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COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention
of Discrimination and
Protection of Minorities
Forty-second session

PROVISIONAL AGENDA

Note by the Secretary-General

Duration and venue of the session

1. The forty-second session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities will be held at the United Nations Office at Geneva from 6 to 31 August 1990. The first meeting will be convened at 10.30 a.m. on Monday, 6 August 1990.

2. In accordance with rule 5 of the rules of procedure of the functional commissions of the Economic and Social Council and based on the draft provisional agenda for the forty-second session adopted by the Sub-Commission at its forty-first session, the Secretary-General, in consultation with the Chairman of the Sub-Commission, has drawn up the provisional agenda set out below.

Pre-sessional working groups

3. In accordance with previous decisions, the forty-second session of the Sub-Commission will be preceded by three working groups as follows:

(a) Working Group on Communications, established pursuant to paragraph 1 of Economic and Social Council resolution 1503 (XLVIII) of 27 May 1970. This Working Group of five members of the Sub-Commission will meet for two weeks prior to the forty-second session, that is from 23 July to 3 August 1990;

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(b) Working Group on Contemporary Forms of Slavery, established pursuant to Economic and Social Council decisions 16 (LVI) and 17 (LVI) of 17 May 1974. This Working Group of five members of the Sub-Commission will meet for one week prior to the forty-second session, that is from 30 July to 3 August 1990;

(c) Working Group on Indigenous Populations, established pursuant to Economic and Social Council resolution 1982/34. At its forty-first session, the Sub-Commission by its resolution 1989/34 of 1 September 1989 endorsed by Commission on Human Rights resolution 1990/62 of 7 March 1990 recommended to the Economic and Social Council that the Working Group of five members of the Sub-Commission be authorized to meet for 10 serviced meetings in the 10 working days prior to the forty-second session, that is from 23 July to 3 August 1990.

In-session working groups

4. Since its thirty-fourth session in 1981, the Sub-Commission has established a sessional working group to assist it in relation to its annual review of developments concerning the human rights of persons subjected to any form of detention or imprisonment. The Sub-Commission may wish to consider establishing such a working group at its forty-second session.

5. At its forty-first session, the Sub-Commission by its decision 1989/104 decided that, at the beginning of its forty-second session, it would establish a sessional working group of five of its members, appointed by the various regional groups and open to the participation of other members of the Sub-Commission, to prepare an overview and an analysis of the suggestions and proposals which have been made in order to enable the Sub-Commission to better discharge its responsibilities in dealing with violations of human rights as discussed under item 6 of its agenda, taking also into account the functions and duties of the Commission on Human Rights in the matter. At its forty-sixth session the Commission on Human Rights, by its resolution 1990/64 of 7 March 1990, invited the Sub-Commission to request this Working Group to include in its deliberations an examination of ways and means to avoid any proliferation of studies as well as of draft resolutions or decisions on issues already being dealt with by the Commission.

6. By its resolution 1989/25 of 31 August 1989, the Sub-Commission decided to establish at its forty-second session, a sessional open-ended working group with the view to preparing a revised version of the draft Declaration on Freedom and Non-Discrimination in Respect of the Right of Everyone to Leave Any Country, Including His Own, and to Return to His Country.

7. Any decisions or resolutions affecting the provisional agenda of the forty-second session of the Sub-Commission, which may be taken by the Economic and Social Council at its first regular session of 1990, will be brought to the attention of the Sub-Commission in an addendum to the present document.

8. The annotations to the items listed in the provisional agenda will be issued as an addendum to the present document.

Provisional agenda

1. Election of officers.
2. Adoption of the agenda.
3. Review of the work of the Sub-Commission.
4. Review of further developments in fields with which the Sub-Commission has been concerned.
5. Elimination of racial discrimination:
   (a) Measures to combat racism and racial discrimination and the role of the Sub-Commission;
   (b) Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist and colonialist régime of South Africa.
6. Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid, in all countries, with particular reference to colonial and other dependent countries and territories: report of the Sub-Commission under Commission on Human Rights resolution 8 (XXIII).
7. The new international economic order and the promotion of human rights.
8. The realization of economic, social and cultural rights.
9. Communications concerning human rights: report of the Working Group established under Sub-Commission resolution 2 (XXIV) in accordance with Economic and Social Council resolution 1503 (XLVIII).
10. The administration of justice and the human rights of detainees:
    (a) Question of human rights of persons subjected to any form of detention and imprisonment;
    (b) Question of human rights and states of emergency;
    (c) Individualization of prosecution and penalties, and repercussions of violations of human rights on families;
    (d) The right to a fair trial.
11. Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers.
12. Human rights and disability.
13. Human rights and scientific and technological developments.
14. Encouragement of universal acceptance of human rights instruments.
15. Discrimination against indigenous peoples.
16. Contemporary forms of slavery.

17. Promotion, protection and restoration of human rights at national, regional and international levels:

    (a) Prevention of discrimination and protection of children: human rights and youth;

    (b) Prevention of discrimination and protection of women.

18. Protection of minorities.

19. The right of everyone to leave any country, including his own, and to return to his country.

20. Consideration of the future work of the Sub-Commission and of the draft provisional agenda for the forty-third session of the Sub-Commission.

21. Adoption of the report on the forty-second session.

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COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention
of Discrimination and
Protection of Minorities
Forty-second session

ANNOTATIONS TO THE PROVISIONAL AGENDA

Prepared by the Secretary-General

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Item 1. Election of Officers

1. Rule 15 of the rules of procedure of the functional commissions of the Economic and Social Council provides that "at the commencement of its first meeting of a regular session", the Sub-Commission "shall elect, from among the representatives of its members, a Chairman, one or more Vice-Chairmen and such other officers as may be required".

Item 2. Adoption of the agenda

2. Rule 7 of the rules of procedure provides that the agenda shall be adopted at the beginning of each session, after the election of officers, on the basis of the provisional agenda. The provisional agenda for the present session of the Sub-Commission is contained in document E/CN.4/Sub.2/1990/1.

3. At its thirty-eighth session, the Sub-Commission, by its decision 1985/109, decided to observe at the commencement of its future annual sessions, beginning with the thirty-ninth session, a minute of silence in honour of the victims of apartheid in South Africa.

4. Since 1985, the Sub-Commission has taken a number of decisions regarding the consideration, on a biennial basis, of certain agenda items (see resolutions 1985/34 and 1989/1 and decision 1988/104).

5. As a result of those decisions, the Sub-Commission considers at odd-numbered sessions the following items:

(a) Elimination of all forms of intolerance and of discrimination based on religion or belief;

(b) International peace and security as an essential condition for the enjoyment of human rights, above all the right to life;

(c) Review of the work of the Sub-Commission;

and at even-numbered sessions, such as the present, the following items:

(d) Human rights and disability;

(e) Human rights and scientific and technological developments;

(f) Encouragement of universal acceptance of human rights instruments.

6. By its decision 1989/104, adopted at its forty-first session, the Sub-Commission decided to continue discussing the agenda item "Review of the work of the Sub-Commission" at its forty-second session in 1990.

7. At its forty-first session, by its resolution 1989/1 of 30 August 1989, the Sub-Commission, recalling its resolution 1985/34 of 30 August 1985 and Commission on Human Rights resolution 1985/28 of 11 March 1985, decided that the item entitled "The new international economic order and the promotion of human rights" would be considered on an annual basis.

8. At its forty-first session, by its resolution 1989/41 of 1 September 1989, the Sub-Commission decided to consider matters related to slavery and slavery-like practices in subsequent sessions under the agenda item entitled "Contemporary forms of slavery".

9. The Sub-Commission may wish to recall the following decisions that it took at its forty-first session:

(a) By its resolution 1989/12, the Sub-Commission recommended to the Commission on Human Rights that it request the Secretary-General to submit a report on the result of the negotiations between the United Nations Environment Programme and the Organization of African Unity concerning toxic and dangerous products and wastes to the forty-seventh session of the Commission on Human Rights and forty-second session of the Sub-Commission on Prevention of Discrimination and Protection of Minorities, respectively (see annotations to item 13).

(b) By its resolution 1989/16, the Sub-Commission recommended that the subject of traditional practices be on the agenda of the Sub-Commission for sustained follow-up. The Commission on Human Rights, by its decision 1990/109, endorsed that recommendation (see annotations to item 4).

(c) By its resolution 1989/19, the Sub-Commission decided to consider further, at its forty-second session, the recommendations made by the Special Rapporteur, Mr. Eide, in his study on the achievements made and obstacles encountered during the Decade to Combat Racism and Racial Discrimination (E/CN.4/Sub.2/1989/8 and Add. 1) (see annotations to item 5 (b)).

(d) By its resolution 1989/27, the Sub-Commission decided to add the issue of a right to a fair trial to the agenda of its forty-second session as a sub-item of the item entitled "The administration of justice and the human rights of detainees" (see annotations to item 10).

(e) By its decision 1989/103, the Sub-Commission decided to examine at its forty-second session ways and means of rationalizing proposals for studies and to consider the possibility of drawing up a medium-term programme that would ensure the participation of the greatest number of members of the Sub-Commission in this programme, and requested the Secretary-General to submit to it, at its forty-second session, a note listing all the studies which have already been undertaken and the names of those who prepared them (see annotations to item 3).

Organization of work

10. With regard to the question of the organization of work of the present session, the Sub-Commission may recall that paragraph 2 of rule 24 of the rules of procedure of the Economic and Social Council provides that, except for the regional commissions, the commissions and committees of the Council shall not create either standing or ad hoc intersessional subsidiary bodies without prior approval of the Council.

11. As authorized by the Council, three working groups are scheduled to meet prior to the forty-second session of the Sub-Commission: the Working Group on Communications (see annotations to item 9), the Working Group on Indigenous Populations (see annotations to item 15) and the Working Group on Contemporary

Forms of Slavery (see annotations to item 16). In this regard, the Sub-Commission may recall that, by its resolution 1989/34, the Sub-Commission recommended to the Commission on Human Rights that it recommend to the Economic and Social Council that the Working Group on Indigenous Populations be authorized to meet for 10 working days prior to the forty-second session of the Sub-Commission. In its resolution 1990/62, the Commission recommended that the Economic and Social Council authorize the Working Group to meet for 10 serviced meetings in the 10 working days prior to the forty-second session of the Sub-Commission.

12. At its thirty-fourth and subsequent sessions, the Sub-Commission had established a sessional working group to assist it in relation to its annual review of developments concerning the human rights of persons subjected to any form of detention or imprisonment. The Sub-Commission may wish to consider establishing such a working group at the present session (see annotations to item 10 (a)).

13. By its decision 1989/104, the Sub-Commission decided that at the beginning of its forty-second session it would establish a sessional working group of five of its members, appointed by the various regional groups and open to the participation of other members, to enable the Sub-Commission to better discharge its responsibilities in dealing with violations of human rights under item 6 of its agenda. The Commission, in its resolution 1990/64, invited the Sub-Commission to request this working group to include in its deliberations an examination of ways and means to avoid any proliferation of studies as well as of draft resolutions and decisions on issues already being dealt with by the Commission (see annotations to items 3 and 6).

14. By its resolution 1989/25, the Sub-Commission also decided to establish, at its forty-second session, a sessional open-ended working group with the view to preparing a revised version of the Draft Declaration on Freedom and Non-Discrimination in Respect of the Right of Everyone to Leave Any Country, Including His Own, and to Return to His Country.

15. Reference should also be made to Sub-Commission resolution 1985/5 entitled "Encouragement of universal acceptance of human rights instruments", by which the Sub-Commission decided to appoint one of its members to report to it on information received under that resolution. Pursuant to this resolution, the Chairman of the Sub-Commission, at its fortieth session, appointed Ms. Ksentini who presented a brief analysis of the information received (see annotation to item 14). The Sub-Commission may wish to do likewise at its present session.

16. When considering its organization of work, the Sub-Commission may wish to take into account paragraph 18 of Commission resolution 1988/43, by which the Sub-Commission was invited to continue its efforts to rationalize its agenda and to arrive at increased efficiency and economical methods of work, inter alia by:

(a) Avoiding procedural debates to the maximum extent possible so that more time can be devoted to matters of substance;

(b) Organizing contributions of observers and non-governmental organizations in such a way as to leave sufficient time for debate among its members.

17. The Sub-Commission may also wish to take into account Commission resolution 1989/36, by which the Sub-Commission was requested, inter alia:

(a) To give priority to those topics on which standards were being prepared;

(b) To continue to give due regard to new developments in the field of human rights;

(c) To rationalize and streamline its work.

18. The Commission on Human Rights, by its resolution 1990/64, requested the Sub-Commission, at its forty-second session, to consider its practice of forwarding draft resolutions to the parent bodies. The Commission also urged the Sub-Commission, when examining items which are extensively discussed elsewhere in the United Nations system, to concentrate its attention on those specific human rights issues to which it can make a distinctive contribution.

19. With regard to documentation, the attention of the Sub-Commission is drawn to Economic and Social Council resolution 1986/33, adopted upon recommendation by the Commission in its resolution 1986/31, by which the Council requested the Sub-Commission henceforth to submit to the Commission, after a thorough examination, the studies and reports prepared by the special rapporteurs of the Sub-Commission with a brief written introductory statement by the special rapporteur, and to discontinue the practice of requesting special rapporteurs to introduce their reports personally to the Commission. The Council further requested the Sub-Commission to adhere strictly to the guidelines governing the limitation of documents and to ensure that special rapporteurs responsible for preparing reports and studies were brief and concise and that their reports and studies, as far as possible, did not exceed 32 pages. The Council also decided that henceforth studies prepared by special rapporteurs of the Sub-Commission should be printed only following an express decision to that effect taken by the Commission and subsequently by the Council, which should have an opportunity to study the relevant financial implications. In this connection, reference should be made to Economic and Social Council resolution 1982/50 and the annex thereto, Commission resolution 17 (XXXVII) of 10 March 1981, Commission resolutions 1983/22, 1983/28, 1988/43 and 1989/32, as well as the instructions issued by the Secretary-General with respect to documentation for meetings (ST/SGB/184/Add.1 and ST/AI/189/Add.20/Rev.1).

Item 3. Review of the work of the Sub-Commission

20. This item was first on the Sub-Commission's agenda at its thirty-fifth session, in accordance with its decision 2 (XXXIV) of 3 September 1981. Subsequently, the Economic and Social Council, by resolution 1983/32 and 1986/35; the Commission, by resolutions 1983/21, 1983/22, 1984/60, 1985/28, 1986/37, 1986/38, 1987/35, 1988/43 and 1989/36 and decision 1986/102; and the Sub-Commission, by resolutions 1983/21, 1984/37 and 1985/24, provided a number of general and specific directives and suggestions concerning the Sub-Commission's role, title and methods of work, as well as the election of its members. Commission resolution 1989/36 requested the Chairman of the Sub-Commission to report to the Commission on the implementation of the guidelines provided by the Commission in that resolution. The Chairman of the Sub-Commission submitted his report to the Commission's forty-sixth session (E/CN.4/1990/40).

21. The Commission on Human Rights, at its forty-sixth session, adopted resolution 1990/64 entitled "Work of the Sub-Commission on Prevention of Discrimination and Protection of Minorities". In that resolution, the Commission, inter alia, reaffirmed that the Sub-Commission can best assist the Commission by providing it with recommendations based on the different views and perspectives of independent experts, which should be appropriately reflected in the report of the Sub-Commission as well as in the expert studies carried out under its auspices; called upon the Sub-Commission, in the fulfilment of its functions and duties, to be guided by the relevant resolutions of the Commission and the Economic and Social Council; requested the Sub-Commission to give priority to those topics on which standards are being prepared, in accordance with decisions taken by the Commission and within the time frames set by the Commission; urged all the special rapporteurs of the Sub-Commission to submit their reports by the deadline given by the Secretariat so that these reports can be available in all languages well before the meeting; recommended that the Sub-Commission should, as a general rule, propose a new study only when a study previously authorized is fully completed; and reminded the Sub-Commission that new studies or other reports involving financial implications can only be undertaken after authorization by its superior bodies.

22. In that same resolution, the Commission further asked the Sub-Commission to restrict its requests to the Secretary-General to ask Governments, intergovernmental organizations, specialized agencies and other such bodies for their views and comments to requests relating to those studies which have received prior explicit approval from the Commission and invited the Sub-Commission to give due consideration to draft resolutions proposed for adoption and to seek the widest possible measure of agreement on them, bearing in mind that such draft resolutions should be proposed only on subjects that have been thoroughly discussed in the Sub-Commission or in its working groups and should be consistent with the role of the Sub-Commission as a body of independent experts. The Commission recognized that working groups constituted an invaluable element in the expert work of the Sub-Commission and noted the steps taken so far by the Sub-Commission to rationalize and streamline its work and encouraged the Sub-Commission to continue this process, called upon States to nominate as members and alternates persons meeting the criteria of independent experts who should discharge in that capacity their functions as members of the Sub-Commission. The Commission invited the Chairman of the Commission to inform the Sub-Commission on the debate under its item concerning the work of the Sub-Commission. Finally, the Commission requested the Chairman of the Sub-Commission to report to it on the implementation of the guidelines which it provided in that resolution.

23. At the present session, the Sub-Commission will have before it a note by the Chairman of the Commission on Human Rights pursuant to Commission resolution 1990/64 (E/CN.4/Sub.2/1990/3).

24. With respect to standard-setting activities, the Sub-Commission may wish to recall Commission resolution 1987/24, by which the Commission invited the Sub-Commission, when engaged in developing international instruments in the field of human rights, to bear in mind the guidelines established in General Assembly resolution 41/120 of 4 December 1986. In that resolution, the Assembly urged Member States and United Nations bodies engaged in developing new international human rights standards to give due consideration

in that work to the established international legal framework, and invited Member States and United Nations bodies to bear in mind the following guidelines in developing international instruments in the field of human rights. Such instruments should, inter alia:

(a) Be consistent with the existing body of international human rights law;

(b) Be of fundamental character and derive from the inherent dignity and worth of the human person;

(c) Be sufficiently precise to give rise to identifiable and practicable rights and obligations;

(d) Provide, where appropriate, realistic and effective implementation machinery, including reporting systems;

(e) Attract broad international support.

Streamlining the system of preparation of reports and studies by the Secretary-General

25. The attention of the Sub-Commission may also be drawn to resolution 1990/70 adopted by the Commission on Human Rights. In that resolution, the Commission expressed awareness of the necessity to streamline the system of preparation of reports and studies by the Secretary-General, which give important possibilities for the international community to analyse existing problems in the field of human rights, and allow for exchange of experience in the promotion and protection of human rights. The Commission, recalling Economic and Social Council resolution 1986/33 of 23 May 1986, requested the Secretary-General to prepare and dispatch to Governments, after each session of human rights bodies of the United Nations, a list containing operative paragraphs of all resolutions and decisions which require preparation of reports and studies, together with a tentative schedule of their preparation, and to send corresponding notes verbales as soon as possible as reminders of this list.

List of studies already undertaken

26. In its decision 1989/103, the Sub-Commission, taking note of Economic and Social Council resolution 1986/43 of 23 May 1986, Commission on Human Rights resolution 1988/43 of 8 March 1988, in which the Sub-Commission was invited to continue its efforts to rationalize its agenda, and resolution 1989/36 of 6 March 1989, by which the Commission recommended that the Sub-Commission should propose a new study with financial implications only when a study previously authorized is fully completed, decided to examine at its forty-second session ways and means of rationalizing proposals for studies and to consider the possibility of drawing up a medium-term programme that would ensure the participation of the greatest number of members of the Sub-Commission in this programme. The Sub-Commission requested the Secretary-General to submit to it, at its forty-second session, a note listing all the studies which have already been undertaken and the names of those who prepared them.

27. At the present session, the Sub-Commission will have before it the above-mentioned note prepared by the Secretary-General (E/CN.4/Sub.2/1990/2).

Various possibilities of implementing paragraphs 2 and 6 of resolution 8 (XXIII) of the Commission

28. At its fortieth session, the Sub-Commission decided to continue the discussion at its forty-first session of this subject-matter, without prejudice to the confidential procedure provided for in resolution 1503 (XLVIII) of the Economic and Social Council or to other procedures instituted since the adoption of that resolution by the Council (decision 1988/104).

29. At its forty-first session, by its decision 1989/104, the Sub-Commission decided that, at the beginning of its forty-second session, it would establish a sessional working group of five of its members, appointed by the various regional groups and open to the participation of other members of the Sub-Commission, to prepare an overview and an analysis of the suggestions and proposals which have been made in order to enable the Sub-Commission to better discharge its responsibilities in dealing with violations of human rights as discussed under item 6 of its agenda, taking also into account the functions and duties of the Commission on Human Rights in the matter. At its forty-sixth session, the Commission on Human Rights, by its resolution 1990/64, invited the Sub-Commission to request this Working Group to include in its deliberations an examination of ways and means to avoid any proliferation of studies as well as of draft resolutions or decisions on issues already being dealt with by the Commission (see also annotations to item 6).

30. At the present session, the Sub-Commission will have before it the report of the Working Group on this matter (E/CN.4/Sub.2/1990/14).

Item 4. Review of further developments in fields with which the Sub-Commission has been concerned

31. This item has been regularly considered by the Sub-Commission since 1962, in conformity with resolution 5 (XIV). The Sub-Commission, at its forty-second session, will have before it a note of the Secretary-General containing a review of further developments in fields with which the Sub-Commission has been concerned (E/CN.4/Sub.2/1990/4).

32. Under this item, the Sub-Commission has discussed recent activities of the International Labour Organisation and the United Nations Educational, Scientific and Cultural Organization relating to matters dealt with by the Sub-Commission. The reports of ILO and UNESCO on their activities relating to these matters will be available in documents E/CN.4/Sub.2/1990/5 and E/CN.4/Sub.2/1990/6).

Protection of journalists

33. By its resolution 1989/2, the Sub-Commission requested Mr. Waleed Sadi to prepare, without financial implications, for the use of the Sub-Commission at its forty-second session, a report on the feasibility of a study on ways and means to extend additional protection and assistance to journalists and mass media personnel while they carry out their duties with objectivity and fairness.

34. The Sub-Commission, at the present session, will have before it the report by Mr. Sadi (E/CN.4/Sub.2/1990/17).

Human rights monitoring mechanisms established within the United Nations framework

35. The Sub-Commission, in its resolution 1989/11, recommended to the Commission on Human Rights that it should emphasize the need to enhance the effectiveness of, and co-ordination between the human rights monitoring mechanisms established within the United Nations framework, and to increase their impartial contribution to the promotion and protection of human rights and fundamental freedoms in all parts of the world, and to constantly improve their relevant procedures. Consequently, the Sub-Commission recommended, in the same resolution, that the Commission request the Secretary-General to consider convening not later than 1991 an international meeting of experts on issues related to the international monitoring in the field of human rights and to inform the Sub-Commission, at its forty-second session, under the item entitled "Review of further developments in fields with which the Sub-Commission has been concerned", of his plans with regard to the organization of the meeting, in particular relating to participation and background documentation on the functioning of international monitoring mechanisms in the field of human rights.

36. At its forty-sixth session, the Commission decided to postpone consideration of the subject-matter to its next session in 1991 (54th meeting held on 7 March 1990).

Compensation for victims of gross violations of human rights

37. The Sub-Commission, at its forty-first session, recalling its resolution 1988/11 and expressing its deep concern over the substantial damages and acute sufferings caused to individuals, groups and communities as a result of gross violations of human rights and fundamental freedoms, decided by its resolution 1989/13 to entrust Mr. Theo van Boven with the task of undertaking a study concerning the right to restitution, compensation and rehabilitation for victims of gross violations of human rights and fundamental freedoms, taking into account relevant existing international human rights norms on compensation and relevant decisions and views of international human rights organs, with a view to exploring the possibility of developing some basic principles and guidelines in this respect. The Sub-Commission also requested Mr. van Boven to submit a preliminary report for consideration by the Sub-Commission at its forty-second session.

38. By the same resolution, the Sub-Commission recommended that the Commission on Human Rights request the Economic and Social Council to authorize the Sub-Commission to entrust Mr. van Boven with the task of undertaking that study. The Commission, by its resolution 1990/35, approved that recommendation.

39. At the present session, the Sub-Commission will have before it a preliminary report prepared on this question by Mr. van Boven (E/CN.4/Sub.2/1990/10).

Right to freedom of opinion and expression

40. At its fortieth session, the Sub-Commission, in its decision 1989/110, requested Mr. Danilo Türk to prepare, without financial implications, a working paper containing a proposal for carrying out a study called for by the

Commission on Human Rights in its resolution 1988/37 concerning the right to freedom of expression and opinion, with the aim of clarifying conceptual and methodological questions and to serve as a basis on which future decisions could be taken by the Sub-Commission on this matter.

41. At its forty-first session, the Sub-Commission, in its resolution 1989/14, took note with appreciation of the working paper prepared by Mr. Türk in accordance with its decision 1988/110 (E/CN.4/Sub.2/1989/26), endorsed his recommendations and decided to entrust Mr. Joinet and Mr. Türk with the preparation of a study on the right to freedom of opinion and expression, the current problems of its realization and on measures necessary for its strengthening and promotion. The Commission, by its resolution 1990/32, endorsed the Sub-Commission's resolution and recommended that the Economic and Social Council approve entrusting this study to Mr. Joinet and Mr. Türk.

42. At the present session, the Sub-Commission will have before it a preliminary study prepared by the special rapporteurs on the right to freedom of opinion and expression (E/CN.4/Sub.2/1990/11).

Traditional practices affecting the health of women and children

43. The Sub-Commission, at its thirty-sixth session, in its resolution 1983/1, made recommendations concerning a study relating to traditional practices affecting the health of women and children, and the Commission, for its part, in resolution 1984/48, recommended to the Economic and Social Council that a working group of experts undertake such a study. The Council endorsed that recommendation (resolution 1984/34) and the report was presented to the Commission at its forty-second session, in 1986 (E/CN.4/1986/42). The Commission, in its resolution 1986/28, took note of the report of the Working Group and requested the Secretary-General to transmit the report to Governments, competent organizations and specialized agencies, drawing their attention to the recommendations contained therein. At its forty-fourth session, the Commission, by its resolution 1988/57, requested the Sub-Commission, at its fortieth session, to consider measures to be taken at the national and international levels to eliminate such practices, and to submit a report to the Commission at its forty-sixth session.

44. The Sub-Commission, at its fortieth session, in its resolution 1988/34, requested Ms. Halima Embarek Warzazi to study, on the basis of information to be gathered from Governments, specialized agencies and other intergovernmental and non-governmental organizations concerned, recent developments with regard to traditional practices affecting the health of women and children, and to bring the results of her study to the attention of the Sub-Commission at its forty-first session. The Commission, at its forty-fifth session, in decision 1989/107, approved the Sub-Commission's request.

45. At its forty-first session, in its resolution 1989/16, the Sub-Commission took note of Ms. Warzazi's preliminary report (E/CN.4/Sub.2/1989/42 and Add. 1) and made the following recommendations to the Commission on Human Rights:

(a) The mandate of the Special Rapporteur should be extended for two years so as to enable her to present a more complete report;

(b) Field missions should be undertaken by Ms. Warzazi if possible to two countries, where harmful traditional practices are prevalent;

(c) International regional seminars should be held on the subject of harmful traditional practices in Africa and Asia;

(d) All efforts should be made by the Centre for Human Rights to provide necessary support, including a full-time professional assistant, to liaise with Governments, United Nations agencies and Economic and Social Commissions, non-governmental organizations and other concerned institutions, with special emphasis on data-gathering from the many organizations currently working to eliminate harmful traditional practices, but which are not mentioned in the current report;

(e) The subject of traditional practices should be on the agenda of the Sub-Commission for sustained follow-up.

46. At its forty-sixth session, the Commission on Human Rights, by its decision 1990/109, approved the recommendations of the Sub-Commission. The Commission also took note of the decision on traditional practices taken by the Committee on the Elimination of Discrimination against Women at its ninth session under article 21 of the Convention on the Elimination of All Forms of Discrimination against Women, and requested that the Special Rapporteur conduct her work in close consultation with the Committee.

Discrimination against HIV-infected people or people with AIDS

47. The Sub-Commission, at its fortieth session, adopted decision 1988/111 in which it decided that the information provided to the Sub-Commission at its fortieth session by the World Health Organization, the International Commission of Jurists and certain members on the problem of discrimination against persons with the HIV virus or suffering from AIDS, together with the consideration set forth in General Assembly resolution 42/8 of 26 October 1987 and World Health Assembly resolution WHA 41.24 of 13 May 1988, justified consideration of the question whether the Sub-Commission should study that problem. Consequently, the Sub-Commission asked Mr. Luis Varela Quirós to prepare, for submission to the Sub-Commission at its forty-first session, without financial implications, a concise note setting forth methods by which such a study could be made.

48. The Commission, in its resolution 1989/11, invited the Sub-Commission to examine, using the opportunity provided by the study on discrimination against persons with the HIV virus or suffering from AIDS envisaged in its decision 1988/111, the possibility of extending the scope of such a study to other kinds of discrimination against sick or disabled persons, in consultation with WHO and giving Governments that wished to express their views the opportunity to do so.

49. At its forty-first session, the Sub-Commission, having discussed the concise note prepared by Mr. Varelo Quirós (E/CN.4/Sub.2/1989/5), decided by its resolution 1989/17 to entrust Mr. Varela Quirós with a study of problems and causes of discrimination against HIV-infected people or people with AIDS. The Sub-Commission recommended that the Special Rapporteur take into account Commission resolution 1989/11 and the issues and guidelines of the International Consultation on HIV/AIDS and Human Rights convened in Geneva

from 26 to 28 July 1989, as well as the views expressed by the members of the Sub-Commission; the Sub-Commission also recommended that the Special Rapporteur carry out his study in close co-operation with WHO. The Sub-Commission requested the Special Rapporteur to submit a preliminary report to the Sub-Commission at its forty-second session and requested the Secretary-General and the Global Programme on AIDS of WHO to provide the Special Rapporteur with all the assistance which he may require for the successful completion of such a task.

50. The Commission on Human Rights, by its resolution 1990/65, approved the recommendations of the Sub-Commission and requested the Economic and Social Council to authorize the undertaking of such a study by Mr. Varela Quirós.

51. At the present session, the Sub-Commission will have before it the preliminary report prepared by Mr. Varela Quirós (E/CN.4/Sub.2/1990/9).

Human rights in times of armed conflicts

52. The Sub-Commission, having considered at its fortieth session the interrelationship between human rights and international peace, recommended, by its resolution 1989/24, a draft resolution on the subject for adoption by the Commission on Human Rights. At its forty-sixth session, the Commission adopted resolution 1990/66 in which it noted that the States Parties to the four Geneva Conventions of 1949 and to the two Additional Protocols of 1977 had undertaken to disseminate those instruments as widely as possible and, in particular, to include the study thereof in their programmes of military instruction and to encourage the study thereof by the civilian population; the Commission called upon all Governments to give particular attention to the education of all members of security and other armed forces, and of all law enforcement agencies, in the international law of human rights and of international humanitarian law applicable in armed conflicts. The Commission recommended that this education also include transmission of knowledge of the relevant instruments in the field of human rights as well as the Code of Conduct for Law Enforcement Officials, the Standard Minimum Rules for the Treatment of Prisoners and the Basic Principles on the Independent of the Judiciary, with a view to ensuring respect for the principles and rules contained in these provisions. The Commission requested the Secretary-General to transmit its resolution to all Governments requesting information on the scope of education provided to members of the police and the armed forces; the Commission also requested the Secretary-General to submit to the Sub-Commission, at its forty-second session, an analytical review of the replies received and called upon the Sub-Commission to study the matter further at its forty-second session with a view to making proposals to the Commission for further action in this field.

53. At the present session, the Sub-Commission will have before it the analytical review of the replies received from Governments prepared by the Secretary-General (E/CN.4/Sub.2/1990/8).

Question of a draft body of principles and guarantees for the protection of mentally-ill persons and for the improvement of mental health care

54. The Commission on Human Rights, at its forty-fifth session, decided, by its resolution 1989/40, to establish an open-ended working group of the Commission to examine, revise and simplify as necessary the draft body of

principles and guarantees for the protection of mentally-ill persons and for the improvement of mental health care submitted by the Sub-Commission (E/CN.4/Sub.2/1988/23) with a view to submitting it to the Commission at its forty-sixth session; it requested the working group to meet for a period of two weeks before the forty-sixth session of the Commission.

55. In the course of its work, the working group considered and adopted articles corresponding to articles 1 and 3 to 14 of the Sub-Commission draft and also formulated and adopted two new articles (E/CN.4/1990/31). In resolution 1990/38, the Commission requested the Economic and Social Council to authorize an open-ended working group of the Commission to meet for a period of two weeks prior to its forty-seventh session, in order to continue the examination, revision and simplification of a draft body of principles and guarantees, for submission to the Commission at its forty-seventh session.

Study on relevant guidelines in the field of computerized personal files, particularly as they affect the privacy of the individual

56. The Commission on Human Rights, at its forty-sixth session, acting at the request of the General Assembly (resolution 44/132 of 15 December 1989), considered the revised version of the guidelines for the regulation of computerized personal data files. By its resolution 1990/42, it also decided to transmit to the General Assembly, through the Economic and Social Council, the final report of the Special Rapporteur containing the revised version of the guidelines (E/CN.4/1990/72) for final adoption.

Status of special rapporteurs

57. The Sub-Commission may wish to recall that, pursuant to requests made by the Sub-Commission and the Commission, the Economic and Social Council, at its first regular session of 1989, adopted resolution 1989/75 entitled "Status of special rapporteurs", in which it concluded that a difference had arisen between the United Nations and the Government of Romania as to the applicability of the Convention on the Privileges and Immunities of the United Nations of 13 February 1946 to Mr. Dumitru Mazilu as Special Rapporteur of the Sub-Commission. In that resolution, the Council requested, on a priority basis, pursuant to Article 96, paragraph 2, of the Charter of the United Nations and in accordance with General Assembly resolution 89 (I) of 11 December 1946, an advisory opinion from the International Court of Justice on the legal question of the applicability of article VI, section 22, of the Convention on the Privileges and Immunities of the United Nations in the case of Mr. Dumitru Mazilu as Special Rapporteur of the Sub-Commission.

58. On 15 December 1989, the Court gave the following Advisory Opinion concerning the applicability of article VI, section 22, of the Convention on the Privileges and Immunities of the United Nations:

> "The Court, unanimously, is of the opinion that article VI, section 22, of the Convention on the Privileges and Immunities of the United Nations is applicable in the case of Mr. Dumitru Mazilu as a special rapporteur of the Sub-Commission on Prevention of Discrimination and Protection of Minorities."

Status of the individual and contemporary international law

59. The Sub-Commission may also wish to recall that it adopted, at its forty-first session, resolution 1989/46 entitled "Status of the individual and contemporary international law", by this resolution, the Sub-Commission recommended to the Commission on Human Rights that the study entitled "The Status of the Individual and Contemporary International Law" prepared by the Special Rapporteur, Mrs. Erica-Irene A. Daes, be published and widely disseminated. The Commission, in resolution 1990/69, endorsed the request of the Sub-Commission and submitted a recommendation for adoption by the Economic and Social Council.

Co-operation with representatives of United Nations human rights bodies

60. The Sub-Commission may wish to take into account Commission resolution 1990/76 entitled "Co-operation with representatives of United Nations human rights bodies" in which the Commission called on all governments receiving representatives of United Nations human rights bodies to provide effective advance information to them, to allow unhampered contacts between private individuals and such representatives and to remove all legal and practical obstacles which would unduly prevent or discourage such contacts. The Commission requested all representatives of these bodies reporting to the Commission or to the Sub-Commission on violations of human rights, in the exercise of their respective mandates:

(a) To take urgent steps, in conformity with their mandates, to help prevent the occurrence of intimidation or reprisal;

(b) To devote special attention to the question in their respective reports to the Commission or the Sub-Commission.

Item 5. Elimination of racial discrimination

Sub-item (a) Measures to combat racism and racial discrimination and the role of the Sub-Commission

61. The Sub-Commission decided to include this item in its agenda at its thirty-first session, in 1978, and the item has since remained on its agenda.

Implementation of the Programme for the Decade for Action to Combat Racism and Racial Discrimination

62. In resolution 3057 (XXVIII) of 2 November 1973, the General Assembly designated the ten-year period beginning on 10 December 1973 as the Decade for Action to Combat Racism and Racial Discrimination; the Programme was annexed to that resolution. Since that time, the question of the implementation of the Programme has been discussed at each session of the General Assembly, the Economic and Social Council, the Commission on Human Rights and the Sub-Commission.

63. The Second World Conference to Combat Racism and Racial Discrimination took place from 1 to 12 August 1983 in Geneva and adopted a Declaration and a Programme of Action for a Second Decade. Upon the recommendation of the Conference, the General Assembly, by its resolution 38/14 of 22 November 1983, proclaimed the period beginning on 10 December 1983 as the Second Decade to

Combat Racism and Racial Discrimination and approved the Programme of Action annexed to that resolution. At its thirty-ninth session, in 1984, the General Assembly approved a plan of activities for the period 1985-1989 (A/39/167 and Add.1 and 2) and invited the Secretary-General to proceed immediately with its implementation (resolution 39/16 of 23 November 1984).

64. The General Assembly, at its forty-second session, adopted resolution 42/47 of 30 November 1987 in which it approved a plan of activities for the period 1990-1993, second half of the Second Decade.

65. At its forty-fourth session, the General Assembly adopted resolution 44/52 of 8 December 1989, in which it took note of the reports submitted by the Secretary-General containing information on the activities of Governments, specialized agencies, regional intergovernmental organizations and non-governmental organizations, as well as United Nations organs, to give effect to the Programme of Action for the Second Decade to Combat Racism and Racial Discrimination (A/44/575 and A/44/595). The Assembly also noted and commended the efforts made to co-ordinate all the programmes currently under implementation by the United Nations system that relate to the objectives of the Decade and encourages the Co-ordinator for the Second Decade to Combat Racism and Racial Discrimination to continue his efforts; it noted with satisfaction the holding of the seminar on the effects of racism and racial discrimination on the social and economic relations between indigenous peoples and States and the seminar on cultural dialogue between the countries of origin and the host countries of migrant workers and requested the Secretary-General to give the reports on the seminars (A/44/595, paras. 52-62 and E/CN.4/1989/22) wide distribution among Governments, competent United Nations bodies, specialized agencies, other intergovernmental organizations and non-governmental organizations.

66. In the same resolution, the Assembly welcomed the completion and the submission to the Sub-Commission of the study of the results achieved and the obstacles encountered during the first Decade for Action to Combat Racism and Racial Discrimination and the first half of the Second Decade and requested the Commission on Human Rights to transmit this study to the General Assembly at its forty-fifth session. The Assembly also requested the Secretary-General to prepare and issue as soon as possible a collection of model legislation for the guidance of Governments in the enactment of further legislation against racial discrimination; the Assembly further requested the Secretary-General to continue the study on the effects of racial discrimination on the children of minorities, in particular those of migrant workers, in the field of education, training and employment, and took note of the reports on the role of private group action to combat racism and racial discrimination.

67. At its forty-first session, the Sub-Commission, by its resolution 1989/19, expressed its appreciation and grateful thanks to the Special Rapporteur, Mr. Eide, for his valuable, wide-ranging and enduring study on the achievements made and obstacles encountered during the Decade to Combat Racism and Racial Discrimination (E/CN.4/Sub.2/1989/8 and Add.1), authorized by Economic and Social Council resolution 1984/24. The Sub-Commission also decided to refer the final report of the Special Rapporteur to the Commission on Human Rights and further decided to consider, at its forty-second session, the recommendations made by the Special Rapporteur and their implementation.

68. The Commission, at its forty-sixth session, in its resolution 1990/13, took note with satisfaction of the study by the Special Rapporteur and decided to transmit it to the General Assembly at its forty-fifth session; by decision 1990/103 the Commission recommended that it be published and widely distributed.

69. By the same resolution 1990/13, the Commission urged all States and international organizations to co-operate with the Secretary-General in the implementation of those activities for the period 1985-1989 (see A/39/167 - E/1983/33 and Add. 1 and 2) not yet undertaken and of the plan of activities for the period 1990-1991 listed in the annex to General Assembly resolution 42/47 of 30 November 1987; recalled its resolution 1989/9, in which it decided that the topic for such thematic consideration in 1991 would be "Ways and means of denying support to racism régimes with a view to making them change their policies"; decided that the topic for 1992 would be "Treatment of political prisoners and detainees in South Africa, particularly women and children"; took note with satisfaction of the report of the International Seminar on Cultural Dialogue Between the Countries of Origin and the Host Countries of Migrant Workers held at Athens from 18 to 26 September 1989 (E/CN.4/1990/50) and requested the Secretary-General to give it wide distribution among Governments, competent United Nations bodies, specialized agencies, other intergovernmental organizations; and non-governmental organizations and requested the Secretary-General to organize in 1990 a meeting of representatives of national institutions and organizations promoting tolerance and harmony and combating racism and racial discrimination with a view to exchanging experience on the promotion of such objectives.

Sub-item (b) Adverse consequences for the enjoyment of human rights of political, military, economic and other forms of assistance given to the racist and colonialist régime of South Africa

70. This question has been considered by the Sub-Commission since its twenty-sixth session when, in resolution 3 (XXVI) of 19 September 1973, it affirmed the importance of evaluating the consequences for the enjoyment of human rights of assistance to the colonial and racist régimes of southern Africa. At its fifty-sixth session, in 1974, the Economic and Social Council approved the decision of the Commission on Human Rights to authorize the Sub-Commission to appoint a special rapporteur on this issue (resolution 1864 (LVI)). Since then, the Sub-Commission, the Commission on Human Rights and the General Assembly have regularly examined this question at various sessions and have adopted a number of resolutions pertaining thereto. Particular reference may be made to: (a) resolution 1 (XXX), by which the Sub-Commission, in implementation of Commission on Human Rights resolution 7 (XXXIII) of 4 March 1977, invited Mr. Ahmed Khalifa, the Special Rapporteur on the question, to prepare the necessary material for a provisional general list identifying those whose activities constituted assistance to the colonial and racist régimes in southern Africa; (b) Sub-Commission resolution 2 (XXXIII), 6 (XXXIV), 1982/16, 1983/6, 1984/4, 1985/3, 1987/7, 1988/3 and 1989/18, in which Mr. Khalifa was invited to continue, subject to annual review, to update the list and submit it through the Sub-Commission to the Commission.

71. At its forty-first session, the Sub-Commission considered the updated report submitted by the Special Rapporteur (E/CN.4/Sub.2/1989/9 and Corr.1 and Add.1) and adopted resolution 1989/18 by which it recommended, through the Commission, that the Economic and Social Council should invite the Special Rapporteur to continue to update the list of banks, transnational corporations and other organizations assisting the racist régime of South Africa.

72. Pursuant to that request, the Commission on Human Rights, at its forty-sixth session, adopted resolution 1990/23 endorsing the requests to the Special Rapporteur recommended by the Sub-Commission. The Sub-Commission may also take note of Commission resolution 1990/22 on this subject.

73. At the present session, the Sub-Commission will have before it the updated report by the Special Rapporteur (E/CN.4/Sub.2/1990/13 and Add. 1).

Item 6. Question of the violation of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid, in all countries, with particular reference to colonial and other dependent countries and territories: report of the Sub-Commission established under Commission on Human Rights resolution 8 (XXIII)

74. By resolution 8 (XXIII) of 16 March 1967, the Commission on Human Rights decided to give annual consideration to the item entitled "Question of violations of human rights and fundamental freedoms, including policies of racial discrimination and segregation and of apartheid, in all countries, with particular reference to colonial and other dependent countries and territories". In paragraph 2 of that resolution, the Commission requested the Sub-Commission to prepare a report containing information on violations of human rights and fundamental freedoms from all available sources for the use of the Commission. The Secretary-General was requested, in paragraph 3, to provide assistance and facilities to the Sub-Commission in accomplishing its task. In paragraph 6, the Commission invited the Sub-Commission to bring to the attention of the Commission any situation which it had reasonable cause to believe revealed a consistent pattern of violations of human rights and fundamental freedoms in any country, including policies of racial discrimination, segregation and apartheid with particular reference to colonial and other dependent territories.

75. The Economic and Social Council, in resolution 1235 (XLII) of 6 June 1967, welcomed the decision of the Commission to give annual consideration to the item and concurred with the requests for assistance addressed to the Sub-Commission and the Secretary-General in Commission resolution 8 (XXIII). The Council authorized the Commission and the Sub-Commission to examine information relevant to gross violations of human rights and fundamental freedoms contained in the communications listed by the Secretary-General pursuant to Economic and Social Council resolution 728 F (XXVIII) of 30 July 1959, and further authorized the Commission to make a thorough study of situations which revealed a consistent pattern of violations of human rights.

Situation in South Africa

76. By its resolution 1989/3, the Sub-Commission called upon the international community to assist the front-line States to safeguard their independence and territorial integrity against the aggression and destabilization carried out by the Government of South Africa; called upon the international community to continue its efforts towards total economic, cultural and political isolation of the South African apartheid régime and called for immediate and complete disinvestment by foreign companies in a manner that all their links with the South African apartheid economy are cut off, including licensing and management contracts.

77. In resolution 1990/26, the Commission on Human Rights welcomed the release of Nelson Mandela, demanded the immediate and unconditional release of all political prisoners as well as detainees, and called on the South African régime to refrain from imposing any restrictions on them; called upon South Africa to permit a free and fair political climate and to desist from harassment and intimidation of organizations and individuals engaged in the legitimate struggle against apartheid policies; strongly condemned South Africa for its indiscriminate use of force against unarmed demonstrators and its widespread use of torture and other forms of inhuman and degarding treatment against political opponents; called upon the Security Council to impose mandatory sanctions against the South African régime, in discharge of its responsibility under Chapter VII of the Charter of the United Nations, in order to sustain the momentum for peaceful change to end apartheid in South Africa; took note of the statement by Mr. F.W. de Klerk on 2 February 1990 and considered the release of Nelson Mandela and the partial lifting of the ban on the national liberation movements and some mass democratic organizations as constituting a significant step towards the elimination of apartheid and the establishment of a non-racial and democratic society in South Africa; and invited the Chairman of the Commission on Human Rights to do his utmost to play a more active role in supporting initiatives for promoting a negotiated solution to the South African problem.

78. The attention of the Sub-Commission may also be drawn to Commission resolution 1990/8 entitled "Situation in southern Africa" and to General Assembly resolution 44/27 A to L of 22 November 1989 entitled "Policies of apartheid of the Government of South Africa".

Situation in the Palestinian and other Arab territories occupied by Israel

79. By resolution 1989/4 concerning the situation in the Palestinian and other Arab territories occupied by Israel, the Sub-Commission requested the Secretary-General to provide it, at its forty-second session, with an updated list of reports, studies, statistics and other documents relating to the question of Palestine and other Arab territories, with the texts of the relevant United Nations decisions and resolutions, as well as with the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories.

80. The General Assembly, at its forty-fourth session, adopted resolutions 44/48 A to G of 8 December 1989, concerning the report of the Special Committee to Investigate Israeli Practices Affecting the Human Rights of the Population of the Occupied Territories. By resolution 44/48 A, the General Assembly requested the Special Committee, pending early termination of

Israeli occupation, to continue to investigate Israeli policies and practices in the Arab territories occupied by Israel since 1967; to consult, as appropriate, with the International Committee of the Red Cross in order to ensure the safeguarding of the welfare and human rights of the population of the occupied territories; and to report to the Secretary-General as soon as possible and whenever the need arose thereafter.

81. The Commission on Human Rights, at its forty-sixth session, adopted resolution 1990/1 concerning Israeli settlements in the occupied Arab territories, resolutions 1990/2 A and B concerning the question of violations of human rights in occupied Palestine, resolution 1990/30 concerning human rights in the occupied Syrian Arab territory and resolution 1990/6 concerning the situation in occupied Palestine, the Commission further adopted resolution 1990/54 concerning the situation of human rights in southern Lebanon.

Situation in China

82. By its resolution 1989/5, the Sub-Commission requested the Secretary-General to transmit to the Commission on Human Rights information provided by the Government of China and by other reliable sources.

83. At its forty-sixth session, the Commission had before it the information requested by the Sub-Commission (E/CN.4/1990/52). The Commission decided (decision 1990/106) to take no action on a draft resolution (E/CN.4/1990/L.47) on that subject.

Situation of human rights in Guatemala

84. The Sub-Commission, in its resolution 1989/6, taking note of the report of the Expert, Mr. Gros Espiell, on advisory services and other forms of assistance that can be rendered to the Government of Guatemala, recommended that the Expert in his forthcoming report give particular attention to the existing obstacles in Guatemala to the full realization of human rights, and that he indicate immediate ways in which this situation may be resolved.

85. At its forty-sixth session, the Commission on Human Rights considered the report of the expert, Mr. Gros Espiell (E/CN.4/1990/45 and Add.1), and adopted resolution 1990/80. By this resolution, the Commission supported the recommendation by the Expert that the programme of assistance and advisory services in the field of human rights should be continued and strengthened, and requested the Secretary-General to appoint an independent expert as his representative to examine the human rights situation in Guatemala and continue assistance to the Government in the field of human rights.

Situation in East Timor

86. In its resolution 1989/7, the Sub-Commission recommended that the Commission on Human Rights consider, at its forty-sixth session, the human rights situation in East Timor.

87. At its forty-sixth session, the Commission took no action on the subject matter.

Situation in Lebanon

88. By its resolution 1989/8, the Sub-Commission recommended to the Commission to consider, at its forty-sixth session, the human rights situation in Lebanon and, in particular, the role of external powers in aggravating that situation.

89. At its forty-sixth session, the Commission adopted resolution 1990/54, in which it condemned the continued Israeli violations of human rights in southern Lebanon, and requested the Secretary-General to bring the resolution to the attention of the Government of Israel and to invite it to provide information concerning the extent of its implementation, and to report to the General Assembly, at its forty-fifth session, and to the Commission, at its forty-seventh session, on the results of his efforts in that regard.

Situation of human rights in El Salvador

90. By resolution 1989/9 concerning the situation of human rights in El Salvador, the Sub-Commission repeated its request to the Special Rapporteur on Human Rights and Disability to undertake all measures available to him for the achievement of prompt and regular evacuation of the war wounded and disabled and to inform the Sub-Commission at its forty-second session of the results of his humanitarian effort, and decided to consider the situation of human rights in El Salvador at its forty-second session.

91. By resolution 1990/77, the Commission decided to extend the mandate of the Special Representative for another year and requested him to submit his report on further developments in the human rights situation in El Salvador to the General Assembly at its forty-fifth session and to the Commission at its forty-seventh session.

Situation of human rights in the Islamic Republic of Iran

92. By resolution 1989/10 concerning the situation of human rights in the Islamic Republic of Iran, the Sub-Commission requested the Secretary-General to inform the Sub-Commission, at its forty-second session, of the report of the Special Representative, and of relevant reports by other special rapporteurs or bodies in the field of human rights, as well as of steps which have been and are being taken by United Nations organs to prevent violations of human rights in the Islamic Republic of Iran.

93. By resolution 1990/79, the Commission decided to extend the mandate of the Special Rapporteur for a further year, and requested him to submit an interim report to the General Assembly at its forty-fifth session on the human rights situation in the Islamic Republic of Iran, including the situation of minority groups, such as the Bahai's, and a final report to the Commission at its forty-seventh session.

Assistance to Paraguay in the field of human rights

94. In its resolution 1989/15, the Sub-Commission recommended to the Commission on Human Rights that it request the Secretary-General to provide such advisory services and other appropriate forms of assistance in the field of human rights as are requested by the Constitutional Government of Paraguay to foster democratic advances and the strengthening of the institutions responsible for ensuring respect for human rights.

95. At its forty-sixth session, the Commission endorsed the Sub-Commission's recommendation by resolution 1990/61.

Situation in Iraq

96. At its forty-first session, the Sub-Commission had before it a draft resolution (E/CN.4/Sub.2/1989/L.32) on the subject-matter. At that session, it decided (decision 1989/106) to take no action thereon.

97. At its forty-sixth session, the Commission on Human Rights, having considered a draft resolution (E/CN.4/1990/L.85/Rev.1) entitled "Visit to Iraq", decided (decision 1990/114) to take no action on this draft resolution.

Establishment of a sessional working group

98. By decision 1989/104, the Sub-Commission decided to establish, at the beginning of its forty-second session, a sessional working group of five of its members, appointed by the various regional groups and open to the participation of other members of the Sub-Commission, to prepare an overview and an analysis of the suggestions and proposals which have been made in order to enable the Sub-Commission to better discharge its responsibilities in dealing with violations of human rights as discussed under item 6 of its agenda, taking also into account the functions and duties of the Commission on Human Rights in the matter.

99. The Sub-Commission further decided to request the same sessional working group, in preparing the overview and analysis, to submit to the Sub-Commission its views and recommendations as to the possible advantages and disadvantages of the various suggestions and proposals referred to above, and to present its findings in the light of the deliberations of the Sub-Commission at its forty-second session under the agenda item relating to the question of the violations of human rights and fundamental freedoms.

100. In order to facilitate the implementation of the above two paragraphs, the Sub-Commission also decided to continue discussing the agenda item entitled "Review of the work of the Sub-Commission" at its forty-second session in 1990, expressing the view that the item relating to the question of the violations of human rights and fundamental freedoms should be taken up at an early stage of that session.

101. The Commission on Human Rights, in its resolution 1990/64, invited the Sub-Commission to instruct this Working Group to include in its deliberations an examination of ways and means to avoid any proliferation of studies as well as of draft resolutions or decisions on issues already being dealt with by the Commission.

Other Matters

102. While discussing this item, the Sub-Commission may wish to take into account the following resolutions and decisions adopted by the Commission on Human Rights at its forty-sixth session:

1990/48 Situation of human rights in Cuba

1990/49 Situation of human rights in Albania

1990/50 Situation of human rights in Romania

1990/52 Human rights and mass exoduses

1990/53 Situation of human rights in Afghanistan

1990/56 Situation of human rights in Haiti

1990/57 Situation in Equatorial Guinea

1990/78 Situation of human rights in Chile

1990/104 Question of human rights in Cyprus

103. At the present session, the Sub-Commission will have before it the following documents in connection with this item:

(a) Note by the Secretary-General listing reports, studies, statistics and other documents relating to Palestine and other Arab territories pursuant to Sub-Commission resolution 1989/4 (E/CN.4/Sub.2/1990/15).

(b) Report by Mr. Despouy on evacuation of the war wounded and disabled in El Salvador, pursuant to Sub-Commission resolution 1989/9 (E/CN.4/Sub.2/1990/18).

(c) Note by the Secretary-General on the situation of human rights in the Islamic Republic of Iran, pursuant to Sub-Commission resolution 1989/10 (E/CN.4/Sub.2/1990/16).

(d) Report of the sessional working group established pursuant to Sub-Commission decision 1989/104 (E/CN.4/Sub.2/1990/14).

Item 7. <u>The new international economic order and the promotion of human rights</u>

104. The Sub-Commission, at its thirty-first session, by decision 6 of 15 September 1978, added to the agenda for its thirty-second session an item entitled "The new international economic order and the promotion of human rights". By its resolution 1985/34, the Sub-Commission decided to consider this item on a biennial basis. By its resolution 1989/1, the Sub-Commission decided to consider this item on an annual basis.

Sub-item (a) <u>The role and equal participation of women in development</u>

105. The Sub-Commission first proposed to include the topic "Prevention of discrimination and protection of women" as a sub-item of its agenda during its thirty-seventh session, in 1984 (E/CN.4/Sub.2/1984/SR.39).

106. At its forty-first session, the General Assembly adopted resolution 41/110 of 4 December 1986 entitled "The role of women in society" in which it requested the Secretary-General to pay due attention to all the related aspects of the role of women in society when preparing surveys on the role of women in development.

107. Subsequently, at its thirty-ninth session, the Sub-Commission adopted resolution 1987/26 entitled "The role and equal participation of women in development", in which it decided to consider, at its forty-first and future sessions, and in connection with the item of its agenda entitled "The new international economic order and the promotion of human rights", a sub-item entitled "The role and equal participation of women in development". The Sub-Commission also requested the Secretary-General to make available to it, at each of its future sessions, the reports of the Committee on the Elimination of Discrimination Against Women and of the Commission on the Status of Women.

108. At its forty-fourth session, the General Assembly adopted resolution 44/171 of 19 December 1989 entitled "Integration of women in development". In that resolution, the Assembly referred to the 1989 World Survey on the Role of Women in Development (United Nations publication, Sales No.E.83.IV.2) and requested that the next updated survey on the subject be submitted to it in 1994. The General Assembly further adopted resolution 44/74 of 8 December 1989 on the United Nations Development Fund for Women, and resolution 44/78 of the same date on the improvement of the situation of women in rural areas.

109. At the present session, the Sub-Commission will have before it the most recent reports of the Committee on the Elimination of Discrimination Against Women and of the Commission on the Status of Women.

Item 8. Realization of economic, social and cultural rights

110. The Commission, at its forty-third session, in resolution 1987/19, requested the Sub-Commission to examine the conclusions and recommendations of the report of the Commission entitled The Realization of Economic, Social and Cultural Rights: Problems, Policies, Progress (United Nations publication, sales No. 75.XIV.2) and to submit to the Commission, at its forty-fourth session, a proposed time-table for updating those conclusions and recommendations, taking into account the activities of the specialized agencies, other United Nations bodies and organs, other intergovernmental organizations, Governments and non-governmental organizations, and keeping in mind the importance of maintaining a specific human rights focus in examining the issues raised in that report. The Commission also requested the Sub-Commission to consider, in accordance with its resolution 1983/35 of 6 September 1983, the preparation of a study on the impact of human rights of the policies and practices of the major international financial institutions, most notably the International Monetary Fund and the World Bank.

111. The Sub-Commission, at its thirty-ninth session, in its resolution 1987/29 A, recommended to the Commission on Human Rights and the Economic and Social Council, in response to Commission resolution 1987/19, that the Sub-Commission be authorized to appoint, from its members to be elected in 1988, a special rapporteur to study problems, policies and progressive measures relating to a more effective realization of economic, social and cultural rights. The Special Rapporteur was requested to present a substantial progress report to the Sub-Commission at its forty-first session. The Commission, in its resolution 1988/22, invited the Sub-Commission to appoint a special rapporteur for that purpose.

112. At its fortieth session, the Sub-Commission, in resolution 1988/33, decided to entrust Mr. Danilo Türk with a study of problems, policies and progressive measures relating to the more effective realization of economic, social and cultural rights, and recommended that the Special Rapporteur take account of the guidelines and issues contained in resolution 1987/29 A of the Sub-Commission.

113. At its forty-fifth session, in resolution 1989/13, the Commission endorsed the undertaking of this study and requested that priority be given to identifying practical strategies to promote for everyone the economic, social and cultural rights contained in the Covenant, paying particular attention to the most vulnerable and disadvantaged. The Economic and Social Council, in its decision 1989/39, also endorsed the appointment of the Special Rapporteur, Mr. Danilo Türk.

114. At its forty-first session, by its resolution 1989/20, the Sub-Commission welcomed the preliminary report prepared by the Special Rapporteur (E/CN.4/Sub.2/1989/19) and requested Mr. Türk to prepare a progress report taking into account comments made in the discussion on the preliminary report.

115. By its resolution 1990/17, the Commission on Human Rights welcomed the dialogue between the Committee on Economic, Social and Cultural Rights and the Special Rapporteur of the Sub-Commission on the realization of economic, social and cultural rights, Mr. Danilo Türk, and expressed the hope that the dialogue would continue; invited the Special Rapporteur, when preparing his progress report, to take into account comments made in the Commission on Human Rights and requested that in the report priority be given to identifying practical strategies to promote for everyone the economic, social and cultural rights contained in the Covenant, paying particular attention to the most vulnerable and disadvantaged.

Foreign debt, economic adjustment policies and their effects on the enjoyment of human rights

116. By its resolution 1989/21, the Sub-Commission affirmed that any foreign debt strategy must be designed not to hamper the steady improvement of conditions guaranteeing the enjoyment of human rights and must be intended, inter alia, to ensure that debtor developing countries achieve an adequate growth level to meet their social and economic needs and their development requirements; stressed the need to revive the economic growth and development of these countries, reduce the political and social costs of structural adjustment programmes and to guarantee the necessary conditions for the full enjoyment of all human rights; and invited the Special Rapporteur, Mr. Türk, to take these factors into account in his study.

117. The Commission on Human Rights, in its resolution 1990/24, requested the Special Rapporteur to take into account, in his progress report, the comments and views of governments which desire to provide him with their comments and the information at their disposal about their experience concerning the impact of economic adjustment policies arising from foreign debt on the enjoyment of economic, social and cultural rights.

Human rights and extreme poverty

118. At its forty-sixth session, the Commission on Human Rights adopted resolution 1990/15, in which it reaffirmed that extreme poverty and exclusion from society constitute a violation of human dignity and that urgent national and international action is therefore required to eliminate them; it requested the Sub-Commission when giving attention, in accordance with its resolution 1989/20, to problems, policies and progressive measures relating to more effective realization of economic, social and cultural rights, to examine the question of extreme poverty and exclusion from society in greater depth and to carry out a specific study of this question.

Other matters

119. In regard to the issues under this item, the Sub-Commission may wish to note the following resolutions of the General Assembly:

44/130 "Indivisibility and interdependence of economic, social, cultural, civil and political rights".

44/205 "Towards a durable solution of external debt problems".

44/212 "International co-operation for the eradication of poverty in developing countries".

In addition, mention may be made of Commission resolution 1990/14 "Popular participation in its various forms as an important factor in development and in the full realization of all human rights", and 1990/18 "The right to development".

120. At the present session, the Sub-Commission will have before it the progress report by the Special Rapporteur (E/CN.4/Sub.2/1990/19).

Item 9. Communications concerning human rights: report of the Working Group established under Sub-Commission resolution 2 (XXIV) in accordance with Economic and Social Council resolution 1503 (XLVIII)

121. By resolution 1503 (XLVIII) of 27 May 1970, the Economic and Social Council authorized the Sub-Commission to appoint a working group of not more than five of its members to meet annually and consider all communications received by the Secretary-General under Council resolution 728 (F) (XXVIII) of 30 July 1959 with a view to bringing to the attention of the Sub-Commission those communications, together with the replies of Governments, if any, which appear to reveal a consistent pattern of gross and reliably attested violations of human rights and fundamental freedoms. As an initial step in the implementation of Council resolution 1503 (XLVIII), the Sub-Commission adopted provisional procedures for dealing with the question of admissibility of communications in resolution 1 (XXIV) of 13 August 1971. The Working Group on Communications was established by Sub-Commission resolution 2 (XXIV) of 16 August 1971. The Working Group has met prior to each session of the Sub-Commission and presented to the Sub-Commission a confidential report.

122. Under the terms of Council resolution 1503 (XLVIII), the Sub-Commission is called upon to consider at private meetings the communications brought before it in accordance with the decision of a majority of the members of the

Working Group and any replies of Governments relating thereto, and other relevant information, with a view to determining whether to refer to the Commission on Human Rights particular situations which appear to reveal a consistent pattern of gross and reliably attested violations of human rights requiring consideration by the Commission. Pursuant to paragraph 8 of Council resolution 1503 (XLVIII), the Sub-Commission communicates its conclusions on the item confidentially to the Commission.

123. By decision 4 (XXXIV) of 3 March 1978, the Commission decided that the Sub-Commission and its Working Group on Communications should thenceforth have access to the records of the closed meetings of the Commission covering its examination of situations referred to it under Council resolution 1503 (XLVIII), together with all other confidential documents relating thereto that had been before the Commission.

124. In decision 3 (XXXIV) of 3 March 1978 the Commission decided that, when dealing with communications under Council resolution 1503 (XLVIII) and situations which the Commission had decided to keep under review, it would invite the Chairman-Rapporteur of the Working Group on Communications of the Sub-Commission to be present during the deliberations of the Commission on that item and to take the floor if he so wishes.

125. It may be of interest to note that a number of procedural steps have been taken at the Commission level with regard to the application of the procedure governed by Council resolution 1503 (XLVIII). Thus, since 1974, the Commission has established a working group every year (Working Group on Situations) to assist it in examining the situations referred to it by the Sub-Commission and to make recommendations thereon to it. The Working Group's recommendations are communicated to the Governments directly concerned (see Commission decision 14 (XXXV) of 12 March 1979), which are invited to participate in the meetings of the Commission at which the situations in question are examined (see Commission decisions 5 (XXXIV) of 3 March 1978 and 9 (XXXVI) of 7 March 1980).

126. By decision 1989/102 of 25 August 1989, the Sub-Commission decided that, henceforth, the Working Group on Communications, acting under operative paragraph 1 of Council resolution 1503 (XLVIII), should not consider a communication unless the Government concerned has had five months in which to submit a reply, from the day on which the communication was transmitted to the Government under Council resolution 728 F (XXVIII). At its forthcoming session, to be held from 23 July to 3 August 1990, the Working Group on Communications will, accordingly, consider communications received and processed by the Secretariat since the last session of the Sub-Commission and forwarded to the Governments concerned on or prior to 23 February 1990.

127. At its forty-first session in 1989, the Sub-Commission decided to suspend rule 59 of the rules of procedure of the functional commissions of the Economic and Social Council, so as to allow for voting by secret ballot on decisions at that session under Council resolution 1503 (XLVIII) (decision 1989/101 of 25 August 1989). The question arose, whether suspension of rule 59 (which lays down the general rule of voting by show of hands or by a roll-call) to allow for voting by secret ballot, automatically made rule 60 (concerning explanation of vote) inoperative. It was decided to request a legal opinion on whether a vote by secret ballot, following the suspension of

rule 59, ruled out the explanation of votes. The legal opinion will be before the Sub-Commission at its forty-second session (see the relevant summary records, document E/CN.4/Sub.2/1989/SR.31, paras. 1 to 11).

128. The Sub-Commission's attention is also drawn to paragraph 5 of its last confidential report, which relates to matters kept pending until its forty-second session.

129. At the present session, the Sub-Commission will have before it the following documents:

(a) The confidential report of the Working Group on Communications of the Sub-Commission on its meetings from 23 July to 3 August 1990;

(b) Relevant documentation referred to in paragraph 5 of the Sub-Commission's last confidential report;

(c) The confidential summary records of the forty-sixth session of the Commission on Human Rights, the text of the Commission's confidential decisions and other documents relating thereto;

(d) Resolutions and decisions adopted by the Council, the Commission and the Sub-Commission that are of relevance to the work of the Sub-Commission under Council resolution 1503 (XLVIII).

(e) Confidential lists of communications compiled by the Secretary-General under Council resolutions 728 F (XXVIII) and 1503 (XLVIII) since the Sub-Commission's forty-first session, as well as replies received from Governments during the period July 1989 - June 1990.

130. The above-mentioned confidential documents will be handed to the members of the Sub-Commission.

Item 10. The administration of justice and the human rights of detainees

Sub-item (a) Question of the human rights of persons subjected to any form of detention or imprisonment

Annual review

131. By resolution 7 (XXVII) of 20 August 1974, the Sub-Commission decided to review annually developments concerning the human rights of persons subjected to any form of detention or imprisonment, taking into account any reliably attested information from Governments, specialized agencies, regional intergovernmental organizations and non-governmental organizations in consultative status, provided that such non-governmental organizations acted in good faith and that their information was not politically motivated, contrary to the principles of the Charter of the United Nations.

132. At its thirty-fourth and subsequent sessions, the Sub-Commission established a sessional working group to consider the question of the human rights of detained persons.

133. In its resolution 1988/33, paragraph 6, the Commission on Human Rights reminded the Sub-Commission of the request made in its resolution 1987/33

that, when carrying out its annual review of the human rights of persons subjected to any form of detention or imprisonment, it should include in its consideration the work of the Human Rights Committee and the Committee on the Elimination of Racial Discrimination, the developments elsewhere in the human rights programme and the activities within the United Nations programme on crime prevention and control bearing upon the subject, and requested the Secretary-General to continue to make available to the Sub-Commission succinct information on these matters.

134. In connection with the matters dealt with under item 10, the Sub-Commission may wish to note that the General Assembly in resolution 43/173 of 9 December 1988 approved the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment.

135. The Sub-Commission may further wish to take note of Commission on Human Rights resolution 1990/34 entitled "Torture and other cruel, inhuman or degrading treatment or punishment: report of the Special Rapporteur" and the report of the Special Rapporteur on Torture (E/CN.4/1990/17 and Add. 1).

Question of model legislation

136. The Sub-Commission may wish to refer to General Assembly resolution 44/162 of 15 December 1989, entitled "Human rights in the administration of justice", which contains a number of specific elements relevant to the matter dealt with under the present agenda item. In that resolution, the General Assembly drew the attention of the Commission on Human Rights and the Sub-Commission to the issues raised in the present resolution in order to accord priority to issues related to human rights in the administration of justice.

137. The General Assembly, in the same resolution, further requested the Commission on Human Rights and invited the Sub-Commission to study the practical implementation of United Nations norms and standards in the administration of justice and human rights, as requested in its resolution 43/153 of 8 December 1988. It requested the Secretary-General to solicit comments from Member States as well as from the relevant international agencies and bodies, such as, in particular, the Human Rights Committee, the Committee against Torture and the Committee for the Elimination of Racial Discrimination, on the implementation of these standards, and forward these comments to the Sub-Commission at its next session.

138. The Commission on Human Rights, at its forty-sixth session, adopted resolution 1990/81 of 7 March 1990, by which it invited the Secretary-General to establish a consolidated list of provisions in the various United Nations standards in the field of the administration of justice relevant for the drafting of model texts for national legislation or other measures for the effective implementation of those standards, and forward this list, together with the comments solicited in accordance with General Assembly resolution 44/162, to the Sub-Commission at its forty-second session.

139. The Commission, by the same resolution, invited the Sub-Commission to study, taking these comments into account, the implementation of United Nations norms and standards in this field and to recommend practical measures to the Commission and to consider the elaboration of model texts for national legislation in this field and to report thereon to the Commission at its forty-seventh session.

140. At the present session, the Sub-Commission will have before it:

(a) A report of the Secretary-General containing information received from Governments pursuant to Sub-Commission resolution 7 (XXVII) (E/CN.4/Sub.2/1990/20);

(b) A report of the Secretary-General containing information from specialized agencies and intergovernmental organizations pursuant to Sub-Commission resolution 7 (XXVII) (E/CN.4/Sub.2/1990/21);

(c) A synopsis of material submitted by non-governmental organizations pursuant to resolution 7 (XXVII) and 4 (XXVIII) of the Sub-Commission (E/CN.4/Sub.2/1990/22);

(d) A report by the Secretary-General giving succinct information on the work of the Human Rights Committee and the Committee on the Elimination of Racial Discrimination, the developments elsewhere in the human rights programme and the activities within the United Nations programme on crime prevention and control, in accordance with resolution 1988/33, paragraph 6, of the Commission on Human Rights (E/CN.4/Sub.2/1990/23);

(e) The report of the sessional Working Group on Detention to the Sub-Commission (E/CN.4/Sub.2/1990/32).

(f) The note by the Secretary-General containing the consolidated list of United Nations standards in the field of human rights in the administration of justice and comments received regarding model legislation (E/CN.4/Sub.2/1990/27).

Prevention of hostage-taking

141. The Sub-Commission, by its resolution 1989/26; requested the Secretary-General to provide the Sub-Commission prior to its forty-second session a complete, up-to-date list of all United Nations personnel held in captivity with all available information concerning the names and whereabouts of the captors, if known and decided to remain seized of this question at its forty-second session.

142. The attention of the Sub-Commission may be drawn to Commission resolution 1990/36 of 6 March 1990 entitled "Hostage-taking" in which the Commission also decided to remain seized of this question at its forty-seventh session.

143. In addition, the Sub-Commission adopted resolution 1989/29 entitled "Question of human rights of persons subjected to any form of detention and imprisonment: detainees and hostages in Lebanon", in which it called upon all parties, local and regional, involved in the war in Lebanon to release immediately and unconditionally all their detainees and hostages detained for political, religious or ethnic reasons or any other reason inconsistent with the norms of human rights, and to use whatever influence they have on those in direct control of detainees and hostages.

144. At its present session, the Sub-Commission will have before it the complete, up-to-date list of United Nations personnel held in captivity (E/CN.4/Sub.2/1990/24).

Protection of staff members of the United Nations system

145. The Commission and the Sub-Commission at their recent sessions have concerned themselves with the detention, disappearance, and death in detention of United Nations staff members from the point of view of respect for their human rights as laid down in international instruments. Both bodies have asked for reports from the Secretary-General on this subject.

146. The Sub-Commission, in its resolution 1987/21 of 3 September 1987 requested the Secretary-General to redouble and strengthen his efforts to ensure that the human rights and privileges and immunities of United Nations staff members and their families were fully respected, and to submit to the Sub-Commission, at its fortieth session, a detailed report on the situation of international civil servants and their families detained, imprisoned, missing or held in a country against their will, in order to enable the Sub-Commission to consider those cases in the light of the international instruments relating to human rights.

147. The Commission, for its part, in resolution 1988/41 of 8 March 1988, expressed its grave concern that a significant number of personnel in the service of the United Nations continued to be held captive or were otherwise unaccounted for, and its great appreciation of the efforts of the Secretary-General to promote a satisfactory resolution of all cases of this kind. It noted that those efforts had already produced concrete results concerning the security of international civil servants.

148. The Commission in that resolution further requested the Secretary-General to submit to the Commission, at its forty-fifth session, an updated version of the report he had been asked to submit to the Sub-Commission at its fortieth session on the situation of international civil servants and their families detained, imprisoned, missing or held in a country against their will, including those cases which had been successfully settled during the five years preceding the Commission's forty-fifth session.

149. The Sub-Commission at its fortieth session had before it the report on this subject requested in its resolution 1987/21 (E/CN.4/Sub.2/1988/17). At that session, it adopted resolution 1988/9, pursuant to which Ms. María Concepción Bautista was entrusted with the task of undertaking an examination of the violations of the human rights of staff members of the United Nations system, their families and experts as well as of the repercussions of those violations on the functioning of United Nations organs and agencies. The Sub-Commission requested that a preliminary report be presented to its forty-first session.

150. The Commission on Human Rights, at its forty-fifth session, adopted resolution 1989/28, in which it took note of the report of the Secretary-General (E/CN.4/1989/19) and requested the Secretary-General to submit to it, at its forty-sixth session, an updated version of the report submitted to it at its current session on the situation of international civil servants and their families detained, imprisoned, missing or held in a country against their will, including those cases whch had been successfully settled during the year, as well as on the implementation of the measures concerning medical visits and the application of the Body of Principles.

151. At its forty-first session, the Sub-Commission considered the preliminary report submitted by Ms. Bautista (E/CN.4/Sub.2/1989/28) and adopted resolution 1989/30.

152. In that resolution, the Sub-Commission invited Ms. Bautista to continue her study so as to submit to the Sub-Commission at its forty-second session an updated version of the report submitted to it at its forty-first session on the situation of international civil servants and their families detained, imprisoned, missing or held in a country against their will, including those cases which have been successfully settled during the year. The resolution also urged member States to allow medical teams to investigate cases in which the health of staff members, experts and their families who are being detained, is reported to have suffered and to permit the necessary medical treatment, and to provide adequate and prompt information concerning the arrest or detention of those staff members and their families and to grant the representative of the competent international organization access to them.

153. The Sub-Commission by the same resolution, requested the Member States, the Secretary-General, and the heads of secretariat of the specialized agencies who have not yet done so, including the International Atomic Energy Agency and the General Agreement on Tariffs and Trade, to communicate all information concerning cases of arrest, detention, or abduction of officials of the United Nations or the specialized agencies, since 1980, in order to enable the Special Rapporteur to complete the mission assigned to her.

154. Further, the Sub-Commission invited the Special Rapporteur to submit, in her report, proposals for practical measures to improve the present system and ensure that staff members of the United Nations and the specialized agencies are protected.

155. By resolution 1990/31, the Commission, for its part, requested the Secretary-General to submit to the Commission at its forty-seventh session an updated version of the report presented to the forty-fifth session on the situation of United Nations staff members, experts and their families detained, missing or held in a country against their will.

156. At the present session, the Sub-Commission, will have before it the report by Ms. Bautista (E/CN.4/Sub.2/1990/30).

Application of international standards concerning the human rights of detained juveniles

157. By its resolution 1989/31, the Sub-Commission requested the Secretary-General to actualize document E/CN.4/Sub.2/1987/30 on the incarceration of children under the age of 18 with adult prisoners and to submit the said revision to the forty-second session of the Sub-Commission. In addition, it decided to appoint Ms. María Concepción Bautista to prepare a report, without financial implications, on the application of international standards concerning the human rights of detained juveniles, in particular the separation of juvenile and adult offenders in penal institutions, detention pending trial, least possible use of institutionalization, and the objectives of institutional treatment; further requested the Secretary-General to submit this resolution to Governments, specialized agencies and non-governmental organizations requesting their comments on these matters and decided to continue studying these matters at its forty-second session.

158. Under this issue, the Sub-Commission may wish to take note of Commission resolution 1990/11 of 23 February 1990 entitled "Detention, torture and other inhuman treatment of children in South Africa".

159. The Sub-Commission at its present session will have before it:

(a) A report of the Secretary-General on the incarceration of children with adult prisoners (E/CN.4/Sub.2/1990/25); and

(b) The report by Ms. Bautista on the application of international standards concerning the human rights of detained juveniles (E/CN.4/Sub.2/1990/28).

Application of the death penalty to persons under 18 years of age

160. By its resolution 1989/32, the Sub-Commission requested the Secretary-General to prepare, on the basis of the information received from Governments, specialized agencies and non-governmental organizations, a report that will be submitted to the Sub-Commission at its forty-second session and decided to continue to review the question of the application of the death penalty to persons under the age of 18 years at its forty-second session.

161. At the present session, the Sub-Commission will have before it the report of the Secretary-General (E/CN.4/Sub.2/1990/26).

Use of force by law enforcement officials

162. By resolution 1989/33, the Sub-Commission recommended to the Commission on Human Rights that the Secretary-General be requested to help organize workshops and other meetings on issues relevant to the Code of Conduct of Law Enforcement Officials, including the provision of technical services in this area. The Commission endorsed the recommendation of the Sub-Commission, by its resolution 1990/37 of 6 March 1990.

Study of the issue of the privatization of prisons

163. By its decision 1989/110, the Sub-Commission decided, taking into account the recommendation of its Working Group on Detention, to request the Chairman of the Working Group during its forty-first session, Mr. Miguel Alfonso Martínez, to prepare, without financial implications, a working paper which would contain proposals on the best way for the Sub-Commission to study further the issue of privatization of prisons, and to submit the said working paper for consideration at its forty-second session.

164. At the present session, the Sub-Commission will have before it the working paper prepared by Mr. Alfonso Martínez (E/CN.4/Sub.2/1990/31).

Report on the Practice of Administrative Detention

165. By its decision 1989/111, the Sub-Commission expressed its appreciation for the excellent report on the subject submitted by Mr. Louis Joinet (E/CN.4/Sub.2/1989/27), but regretted that, due to lack of time, it was unable to give proper study to the report and to the proposals to the Commission on Human Rights contained therein, and decided to examine these proposals and his revised report as a matter of high priority, at its forty-second session.

166. The Commission on Human Rights, for its part, took note of the Sub-Commission's relevant decision and decided, by its decision 1990/107, to invite the Sub-Commission to make any proposals it deemed necessary.

167. At the present session, the Sub-Commission will have before it the revised report of Mr. Joinet (E/CN.4/Sub.2/1990/29).

Sub-item (b) Question of human rights and states of emergency

168. By resolution 10 (XXX) of 31 August 1977, the Sub-Commission expressed its concern at the manner in which certain countries applied the provisions relating to situations known as states of siege or emergency. Being convinced that a connection existed between such application and the situation regarding human rights in the said countries, it considered that a comprehensive study of the implications for human rights of recent developments in that sphere would be conducive to the achievement of the aims pursued by the United Nations in the field of human rights. The comprehensive study was presented by Ms. Nicole Questiaux at the thirty-fifth session of the Sub-Commission (E/CN.4/Sub.2/1982/15).

169. In resolution 1983/18, the Commission requested the Sub-Commission to propose for the Commission's consideration at its fortieth session measures designed to ensure respect throughout the world for human rights and fundamental freedoms in situations where states of siege or emergency existed.

170. At the Sub-Commission's request (resolutions 1983/30 and 1984/27), the Economic and Social Council, by resolution 1985/37, authorized the Sub-Commission to appoint a Special Rapporteur to carry out the work referred to in Commission resolution 1983/18 and Sub-Commission resolution 1983/30 for the purpose of: (a) drawing up and updating annually a list of countries which proclaim or terminate a state of emergency; (b) submitting an annual special report to the Commission containing reliably attested information on compliance with the rules, internal and international, guaranteeing the legality of the introduction of a state of emergency. In resolution 1985/32, the Sub-Commission requested Mr. Leandro Despouy, the Special Rapporteur for that task, to present his first report to the Sub-Commission at its thirty-ninth session.

171. The Sub-Commission, at its forty-first session, had before it the third annual report and list of States which, since 1 January 1985, have proclaimed, extended or terminated a state of emergency, presented by the Special Rapporteur (E/CN.4/Sub.2/1989/30 and Add.1 and Add.2/Rev.1). At that session, the Sub-Commission adopted resolution 1989/28, in which it invited the Special Rapporteur to continue the work with which he has been entrusted and to present to the Sub-Commission, at its forty-second session, the next annual report and list updated on the basis of the information received and to update his present report so that the Commission, at its forty-sixth session, will have before it the most recent and accurate information available.

172. At the present session, the Sub-Commission will have before it the revised and updated version of the third report (E/CN.4/Sub.2/1989/30/Rev.1) as well as a document prepared by the Special Rapporteur (E/CN.4/Sub.2/1990/33).

Sub-item (c) Individualization of prosecution and penalties, and repercussions of violations of human rights on families

173. In resolution 26 (XXXVI), the Commission on Human Rights called upon Governments to observe the strict application of the principle that no one might be prosecuted or persecuted merely because of his connection, particularly family connection, with a suspect, an accused person or a person who had been convicted. The Sub-Commission was requested to study the question and submit recommendations to the Commission for its consideration. The question was discussed at the thirty-seventh session of the Sub-Commission (E/CN.4/1985/3, paras. 235-237) but no action was taken.

Sub-item (d) The right to a fair trial

174. The Sub-Commission, at its forty-first session, adopted resolution 1989/27 in which it decided to appoint Mr. Stanislav Chernichenko and Mr. William Treat as rapporteurs to prepare a report on existing international norms and standards pertaining to the right to a fair trial for submission to the Working Group on Detention and to the Sub-Commission.

175. It requested that the rapporteurs recommend which provisions guranteeing the right to a fair trial should be made non-derogable.

176. The Sub-Commission also decided to add the issue of the right to a fair trial to the agenda of its forty-second session as a sub-item of the present item.

177. At the present session, the Sub-Commission will have before it the report of the two Special Rapporteurs (E/CN.4/Sub.2/1990/34).

Item 11. Independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers

178. By its decision 1980/124, the Economic and Social Council authorized the Sub-Commission to entrust Mr. L.M. Singhvi with the preparation of a report on the independence and impartiality of the judiciary, jurors and assessors, and the independence of lawyers.

179. The Special Rapporteur accordingly submitted preliminary and progress reports on the subject in 1980, 1981 and 1982 (E/CN.4/Sub.2/L.731, E/CN.4/Sub.2/481 and Add.1, and E/CN.4/Sub.2/1982/23). At the thirty-eighth session of the Sub-Commission, he introduced his final report on the subject (E/CN.4/Sub.2/1985/18 and Add.1-6) and drew attention, in particular to his draft declaration on the independence of justice (E/CN.4/Sub.2/18/Add.5/Rev.1).

180. Pursuant to Sub-Commission decision 1985/107, the above study was circulated to the members of the Sub-Commission for comments. These comments are contained in document E/CN.4/Sub.2/1987/17, which was submitted to the Sub-Commission at its thirty-ninth session.

181. At the fortieth session of the Sub-Commission, the Special Rapporteur submitted a report containing comments and suggestions on the draft declaration (E/CN.4/Sub.2/1988/20) and a revised version of the draft declaration (E/CN.4/Sub.2/1988/20/Add.1 and Add.1/Corr.1). In resolution 1988/25, the Sub-Commission decided to refer the draft declaration

to the Commission for further consideration and to consider the item "Draft declaration on the independence and impartiality of the judiciary, jurors and assessors, and the independence of lawyers" at its forty-first session.

182. The Commission on Human Rights, at its forty-fifth session adopted resolution 1989/32 on this subject, in which it invited Governments to take into account the principles set forth in the draft declaration in implementing the Basic Principles on the Independence of the Judiciary, requested the Secretary-General to transmit to the Committee on Crime Prevention and Control, and to the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, in 1990, the study and the draft declaration, and urge the Committee and the Congress to take them into account in completing work on the draft basic principles on the role of lawyers.

183. At its forty-first session, the Sub-Commission adopted resolution 1989/22 on the subject, in which it invited Mr. Louis Joinet to prepare, without financial implications, a working paper on means in the area of monitoring by which the Sub-Commission could assist in ensuring respect for the independence of the judiciary and the protection of practising lawyers as requested in Commission resolution 1989/32.

184. By its resolution 1990/33 of 2 March 1990, the Commission on Human Rights endorsed Sub-Commission resolution 1989/22 and requested the Sub-Commission to study the working paper with a view to recommending to the Commission any initiatives which could be taken to effectuate the implementation of the Basic Principles on the Independence of the Judiciary and the protection of practising lawyers.

185. At the present session, the Sub-Commission will have before it the working paper by Mr. Joinet (E/CN.4/Sub.2/1990/35).

Item 12. Human rights and disability

186. By its resolution 1984/20, the Sub-Commission decided to inscribe on the agenda of its thirty-eighth session an item entitled "Human rights and disability".

187. In the same resolution, the Sub-Commission further decided to appoint Mr. Leandro Despouy as Special Rapporteur to undertake the comprehensive study requested by the Economic and Social Council in its resolution 1984/26 of 24 May 1984. The Sub-Commission requested the Special Rapporteur to consider a number of specific aspects in his study and to present it to the Sub-Commission for consideration at its thirty-eighth session for forwarding to the Commission on Human Rights at its forty-second session.

188. At its thirty-eighth session the Sub-Commission considered the preliminary report of the Special Rapporteur (E/CN.4/Sub.2/1985/32) and, by its resolution 1985/34, it decided to consider this item on a biennial basis starting at its fortieth session.

189. At its fortieth session, the Sub-Commission considered the progress report of the Special Rapporteur (E/CN.4/Sub.2/1988/11) and, by its resolution 1988/8 requested the Special Rapporteur to submit a final report to the Sub-Commission at its forty-second session.

190. At the present session, the Sub-Commission will have before it the above-mentioned report of the Special Rapporteur (E/CN.4/Sub.2/1990/36).

Item 13. Human rights and scientific and technological developments

191. Pursuant to resolution XI of the International Conference on Human Rights adopted on 12 May 1968, the relationship between human rights and scientific and technological developments has been examined at various sessions of the General Assembly, the Commission on Human Rights and the Sub-Commission.

192. The General Assembly, at its forty-fourth session, adopted resolution 44/133 of 15 December 1989, in which the Assembly invited the Commission on Human Rights to assist the Sub-Commission in preparing the study on the use of the achievements of scientific and technological progress to ensure the right to work and development requested by the Commission in its resolutions 1982/4 of 19 February 1982, 1984/29 of 12 March 1984, 1986/11 of 10 March 1986 and 1988/61 of 9 March 1988.

193. The Commission, at its forty-sixth session, adopted resolution 1990/39 entitled "Use of scientific and technological developments for the promotion and protection of human rights and fundamental freedoms" and 1990/40 entitled "Human rights and scientific and technological developments".

Movement and dumping of toxic and dangerous products and wastes

194. The Sub-Commission, in its resolution 1989/12, recommended to the Commission on Human Rights to request the United Nations Environment Programme to enter into negotiations with the Organization of African Unity so as to find global solutions to the problem of the transboundary movement of hazardous wastes and their disposal, and to request the Secretary-General to submit a report on the result of those negotiations. In its resolution 1990/43 of 6 March 1990, the Commission approved the above-mentioned requests.

195. At the present session, the Sub-Commission will have before it the above-mentioned report of the Secretary-General (E/CN.4/Sub.2/1990/7).

Respect for the right to life: elimination of chemical weapons

196. The Sub-Commission, at its forty-first session considered the report of the Secretary-General on the subject (E/CN.4/Sub.2/1989/4) prepared pursuant to its resolution 1988/27. By its resolution 1989/39, the Sub-Commission decided to give further consideration to this matter, at its forty-second session, on the basis of any further information which may be contained in reports by the Secretary-General to the United Nations bodies, or submitted by Governments or non-governmental organizations in consultative status.

197. At the present session, the Sub-Commission will have before it the above-mentioned report of the Secretary-General (E/CN.4/Sub.2/1990/37).

Human rights and the environment

198. The Sub-Commission, in its decision 1989/108, decided to ask Ms. Fatma Zohra Ksentini to prepare, for submission to the Sub-Commission at its forty-second session, a concise note setting forth methods by which a study on the problem of the environment and its relation to human rights could be made.

199. At the present session, the Sub-Commission will have before it the above-mentioned concise note (E/CN.4/Sub.2/1990/12).

Item 14. Encouragement of universal acceptance of human rights instruments

200. By its resolution 1 B (XXXII) of 5 September 1979, the Sub-Commission decided to establish each year a sessional working group composed of five members of the Sub-Commission with due regard to equitable geographical distribution, to meet during the sessions of the Sub-Commission in order to consider ways and means of encouraging Governments which had not yet done so to ratify or adhere to international human rights instruments such as the International Covenant on Economic, Social and Cultural Rights; the International Covenant on Civil and Political Rights; the Optional Protocol to the International Covenant on Civil and Political Rights; the International Convention on the Elimination of All Forms of Racial Discrimination; the Convention on the Prevention and Punishment of the Crime of Genocide; the International Convention on the Suppression and Punishment of the Crime of Apartheid; the Slavery Convention; the Protocol amending the Slavery Convention signed in Geneva on 25 September 1926; the Supplementary Convention on the Abolition of Slavery, the Slave Trade and the Institutions and Practices Similar to Slavery; and such other instruments as might be designated in the future by the Sub-Commission.

201. By the same resolution, the Sub-Commission requested the Secretary-General, well before the annual sessions of the Sub-Commission, to write to Governments which had not yet accepted the above-mentioned instruments and such other instruments as might be designated in the future, requesting them to inform the Sub-Commission of the circumstances which so far had not enabled them to ratify or adhere to the above-mentioned instruments and to explain any particular difficulties which they might face in respect of which the United Nations could offer any assistance; invited the sessional Working Group of the Sub-Commission to examine the replies received from Governments; and requested the Working Group to consider, in appropriate cases, what forms of assistance could be provided to Governments by the United Nations, with a view to assisting them to ratify or adhere to the above-mentioned conventions as speedily as possible.

202. By its resolutions 1982/3 of 7 September 1982, 1983/27 of 6 September 1983, 1984/36 of 30 August 1984 and 1985/5 of 27 August 1985, respectively, the Sub-Commission decided to include the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others, the Convention on the Elimination of All Forms of Discrimination against Women, the two Protocols additional to the Geneva Conventions of 12 August 1949 and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, in the list of instruments contained in paragraph 1 of its resolution 1 B (XXXII).

203. By resolution 1985/5 of 27 August 1985, the Sub-Commission decided, until further review of its mandate, to suspend the work of the Working Group on the Encouragement of Universal Acceptance of Human Rights Instruments and requested its Chairman to appoint one of its members to report to it at its fortieth session on information received under resolution 1985/5. Pursuant to that resolution the Chairman of the Sub-Commission appointed Mrs. Ksentini, who presented a brief analysis at the fortieth session of the information that had been submitted by Governments (E/CN.4/Sub.2/1988/27).

204. By resolution 1988/30, the Sub-Commission again requested its Chairman to appoint one of its members to report to it at its forty-second session on this subject. In the same resolution, the Sub-Commission also requested the Secretary-General to renew the invitation for submission of information communicated by his earlier notes verbales to the Governments of Member States which had not yet replied to those communications, making particular reference to the human rights instruments to which those Governments had not yet become party and drawing the attention of each Government to the instruments which it had already signed but not ratified. Additionally, it requested the Secretary-General to continue to inform the Sub-Commission as appropriate on his endeavours and to update the table containing a country-by-country record of developments relating to ratification of, or accession to, the human rights instruments included in the terms of reference of the Sub-Commission. Further, it decided to inscribe on the agenda of its forty-second session an item entitled: "Encouragement of universal acceptance of human rights instruments", and subsequently to consider the item at alternate sessions of the Sub-Commission.

205. At the present session, the Sub-Commission will have before it a note by the Secretary-General containing information relating to communications with Member States concerning the ratification of, or accession to, the relevant human rights instruments as well as an updated table recording country-by-country developments in that regard (E/CN.4/Sub.2/1990/38).

Item 15. Discrimination against indigenous peoples

Working Group on Indigenous Populations

206. The creation of the Working Group on Indigenous Populations was authorized by the Economic and Social Council in its resolution 1982/34 of 7 May 1982. In that resolution the Council authorized the Sub-Commission to establish annually a working group to meet in order to:

(a) Review developments pertaining to the promotion and protection of human rights and fundamental freedoms of indigenous peoples, including information requested by the Secretary-General to analyse such materials, and to submit its conclusions to the Sub-Commission, bearing in mind the report of the Special Rapporteur of the Sub-Commission, Mr. José R. Martínez Cobo (E/CN.4/Sub.2/1986/7 and Add.1-4, the two final chapters being issued as a United Nations publication - Sales No. E.86.XIV.3);

(b) Give special attention to the evolution of standards concerning the rights of indigenous peoples, taking account of both the similarities and the differences in the situations and aspirations of indigenous peoples throughout the world.

207. Prior to 1990, the Working Group on Indigenous Populations had held seven sessions. The Group submitted detailed reports (E/CN.4/Sub.2/1982/33, E/CN.4/Sub.2/1983/22, E/CN.4/Sub.2/1984/20, E/CN.4/Sub.2/1985/22 and Add.1, E/CN.4/Sub.2/1987/22 and Add.2, E/CN.4/Sub.2/1988/24 and Add.1 and E/CN.4/Sub.2/1989/36) to the Sub-Commission. These reports were also made available to the Commission.

208. At the present session, the Sub-Commission will have before it the report of the Working Group on its eighth session (E/CN.4/Sub.2/1990/42).

Draft Declaration on Indigenous Rights

209. By resolution 1985/22, the Sub-Commission endorsed the plan of action adopted by the Working Group for its future work, contained in annex I of its report on its fourth session (E/CN.4/Sub.2/1985/22), as well as its decision to emphasize in its forthcoming sessions the part of its mandate relating to standard-setting activities, with the aim of producing, in due course, a draft declaration on indigenous rights which might be proclaimed by the General Assembly.

210. At its forty-first session, by resolution 1989/34, the Sub-Commission expressed its appreciation to the Working Group, and especially to its Chairman/Rapporteur, Ms. Erica-Irene A. Daes, for the progress made at its seventh session in carrying out its mandate, with particular reference to her first revised draft of a universal declaration on indigenous rights; endorsed the programme of work and procedure adopted by the Working Group for the continuation and completion of the drafting of a universal declaration of indigenous rights, including its proposal to invite Governments and indigenous peoples organizations to participate in informal, in-sessional and open-ended drafting groups to seek agreement on recommendations which may be made for consideration by the Working Group; encouraged Governments and indigenous peoples organizations also to conduct joint meetings at the national level to seek agreement on texts which may be submitted to the Working Group for consideration; requested the Secretary-General to transmit the Working Group's report to Governments, indigenous peoples, intergovernmental and non-governmental organizations, as soon as possible after the forty-first session of the Sub-Commission, for specific comments and proposals for the further elaboration of the revised text contained in annex II of the report; and recommended that the Chairman-Rapporteur of the Working Group, Ms. Daes, be entrusted with the task of preparing a second revised text of the draft declaration to be based on comments received in writing by members of the Working Group as well as those made orally in the session of the Working Group and on the written observations and suggestions received in accordance with the request above.

211. By resolution 1990/62, the Commission expressed its appreciation to the Working Group for its valuable work, in particular for the progress made at its seventh session in the area of standard-setting, and for the active and constructive participation of observers for Governments, specialized agencies, non-governmental organizations and, in particular, organizations and communities of indigenous populations. The Commission welcomed the decision of the Sub-Commission to continue to entrust to the Chairman/Rapporteur of the Working Group, Ms. Erica-Irene Daes, the further development of a draft declaration on indigenous rights within the framework contained in her working paper, taking into consideration, inter alia, the comments on the draft declaration which would be provided by Governments, indigenous organizations and communities and other interested parties in accordance with the relevant resolution of the Sub-Commission. The Commission also urged the Working Group to intensify its efforts to continue and complete as soon as possible the elaboration of international standards based on a continued and comprehensive review of developments pertaining to the promotion and protection of human rights of indigenous populations and of the situation and aspirations of indigenous populations throughout the world. The Commission recommended to the Economic and Social Council that the Working Group on Indigenous Populations be authorized to meet for 10 serviced meetings in the 10 working days prior to

the forty-second session of the Sub-Commission for the purpose of intensifying its efforts to complete a draft declaration on indigenous rights in consultation with interested Governments and organizations of indigenous peoples.

212. At the present session, the Sub-Commission will have before it the second revised draft text of a universal declaration (E/CN.4/Sub.2/1990/39).

Study on the significance of treaties, agreements and other constructive arrangements

213. By resolution 1987/17, the Sub-Commission recommended the appointment of Mr. Miguel Alfonso Martínez as Special Rapporteur with the mandate of preparing a study on the treaties concluded between indigenous peoples and States in all parts of the world with regard to the contemporary significance of such treaties for all parties concerned. By the same resolution, the Sub-Commission requested Mr. Alfonso Martínez to prepare a document analysing the general outline of such a study and the juridical, bibliographical and other information sources on which such a study should be based, and to submit the document to the Sub-Commission for consideration at its fortieth session.

214. In accordance with a recommendation made by the Commission in resolution 1988/56, the Economic and Social Council, in decision 1988/134 authorized the appointment of Mr. Alfonso Martínez as Special Rapporteur of the Sub-Commission with the mandate of preparing an outline on the possible purposes, scope and sources of a study to be conducted on the potential utility of treaties, agreements and other constructive arrangements between indigenous populations and Governments for the purpose of ensuring the promotion and protection of the human rights and fundamental freedoms of indigenous populations. Furthermore, the Special Rapporteur was requested to give particular attention to certain guidelines promulgated in the Council resolution and to submit the outline to the Sub-Commission for consideration by the Working Group on Indigenous Populations at its sixth session.

215. By resolution 1988/20, the Sub-Commission endorsed the outline of the study prepared by the Special Rapporteur. The Economic and Social Council, on the basis of recommendations by the Sub-Commission (resolution 1988/20) and the Commission (resolution 1989/4), adopted its resolution 1989/77, in which it confirmed the appointment of Mr. Miguel Alfonso Martínez as Special Rapporteur of the Sub-Commission authorized to carry out the study, and requested the Special Rapporteur to submit a progress report to the Sub-Commission at its forty-first session.

216. By its resolution 1989/38, the Sub-Commission, looking forward to reviewing the preliminary report of the Special Rapporteur at its forty-second session, authorized him, in the course of preparing his preliminary report, to undertake the necessary travel for consulting the Centre for Human Rights in Geneva and institutions in Washington D.C. and Seville.

217. The Sub-Commission, at its present session, will have before it the preliminary report of the Special Rapporteur (E/CN.4/Sub.2/1990/40).

Technical conference on practical experience in the realization of sustainable and environmentally sound self-development by indigenous peoples

218. By its resolution 1989/35, the Sub-Commission requested the Secretary-General to organize, within the framework and resources of the Voluntary Fund for Advisory Services in the Field of Human Rights, regional training courses for indigenous peoples organizations on international human rights standards and procedures, to facilitate their participation in the work of the Working Group and their attendance at other human rights bodies. The Sub-Commission recommended to the Commission on Human Rights that it recommend to the Economic and Social Council authorization for the Secretary-General to do so.

219. The Commission, in its resolution 1990/62, requested the Secretary-General to organize in 1991, within the existing resources and framework of the United Nations regular programme of technical co-operation, a technical conference on practical experience in the realization of sustainable and environmentally sound self-development by indigenous peoples, with the participation of experts from Governments, appropriate specialized agencies and indigenous peoples organizations; this conference should be held along the same lines as the Seminar on the effects of racism and racial discrimination on the social and economic relations between indigenous peoples and States.

International Year for Indigenous Rights

220. The Sub-Commission, in resolution 1987/15, recommended that the General Assembly proclaim the year 1992 the "International Year of the World's Indigenous Populations". The Commission and the Economic and Social Council, by resolutions 1988/58 and 1988/37 respectively, recommended that the General Assembly should, when appropriate, proclaim such an international year.

221. By its resolution 1988/19, the Sub-Commission recommended that an international year for indigenous rights should be proclaimed to coincide with the end of the Second Decade for Action to Combat Racism and Racial Discrimination in 1993, and requested the Secretary-General to bring that resolution to the attention of the General Assembly in connection with its consideration of resolution 1988/37 of the Economic and Social Council. The resolution was brought to the attention of the General Assembly at its forty-third session. No action on the matter was taken by the Assembly at that session.

222. By resolution 1989/36, the Sub-Commission entrusted Mr. Asbjørn Eide and Ms. Christy Mbonu with the task of preparing a working paper on possible United Nations activities for an international year for indigenous rights, with an explicit focus on the development process and on promoting international co-operation with indigenous peoples organizations.

223. In its decision 1990/113, the Commission decided to recommend that the Economic and Social Council recommend to the General Assembly that it proclaim an International Year for the World's Indigenous Peoples, in 1993 or another appropriate year, in accordance with established procedures governing the proclamation of international years.

224. At the present session, the Sub-Commission will have before it the working paper prepared by Mr. Eide and Ms. Mbonu (E/CN.4/Sub.2/1990/41).

United Nations Voluntary Fund for Indigenous Populations

225. As recommended by Sub-Commission resolution 1984/35 C, Commission resolution 1985/29 and Economic and Social Council resolution 1985/38, the General Assembly, by resolution 40/131 of 13 December 1985, established the United Nations Voluntary Fund for Indigenous Populations. The purpose of the Fund is to assist representatives of indigenous communities and organizations to participate in the deliberations of the Working Group on Indigenous Populations by providing it with financial assistance, funded by means of voluntary contributions from Governments, non-governmental organizations and other private or public entities. The Voluntary Fund is administered by the Secretary-General with the advice of a five-member Board of Trustees. The Board of Trustees held its third session in April 1990.

226. The Commission, in its resolution 1990/62, requested the Working Group on Indigenous Populations and the Sub-Commission to consider ways and means of broadening the scope and activities of the Voluntary Fund, in order to provide enhanced orientation for representatives of indigenous populations attending the annual session of the Working Group, and to transmit their recommendations to the Commission at its forty-seventh session.

Item 16. Contemporary forms of slavery

Activities of the Working Group on Contemporary Forms of Slavery

227. By its resolution 13 (XXIII) of 21 March 1967, the Commission on Human Rights requested the Sub-Commission to undertake regular consideration of the question of slavery in all its forms, including the slavery-like practices of apartheid and colonialism.

228. Basing itself on a recommendation submitted by the Sub-Commission (resolution 7 (XXVI)) and approved by the Commission on Human Rights (decision 5 (XXX) of 6 March 1974), the Economic and Social Council, by its decisions 16 (LVI) and 17 (LVI) of 17 May 1974, authorized the Sub-Commission to establish a working group composed of five of its members to meet prior to each session of the Sub-Commission to review developments in the field of slavery and the slave trade in all their practices and manifestations, including the slavery-like practices of apartheid and colonialism, the traffic in persons and the exploitation of the prostitution of others as defined in the Slavery Convention of 1926, the Supplementary Convention on the Abolition of Slavery, the Slave Trade and Institutions and Practices Similar to Slavery of 1956, and the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949. The Sub-Commission established the Working Group on Slavery by its resolution 11 (XXVII) of 21 August 1974. By its resolution 1988/42, the Commission on Human Rights endorsed the recommendation of the Sub-Commission that the name of the Working Group on Slavery be changed to "Working Group on Contemporary Forms of Slavery".

229. At its fortieth session the Sub-Commission adopted resolution 1988/31, by which it approved the programme of work of the Working Group for the period 1989-1991. This programme of work included three main themes to be discussed

in successive years: prevention of the sale of children, of prostitution of children and of the use of children in pornography (1989); eradication of the exploitation of child labour and of debt bondage (1990); and prevention of traffic in persons and of the exploitation of the prostitution of others (1991). In addition, at each session, the Working Group will review information received on the status and the implementation of conventions on slavery and slavery-like practices, review developments in other fields of contemporary forms of slavery and consider the recommendations adopted at previous sessions.

230. The Commission on Human Rights, in its resolution 1989/35, requested the Secretary-General to undertake a study on the ways and means by which an effective mechanism might be established for the implementation of the above-mentioned conventions. This study was presented to the Sub-Commission at its forty-first session (E/CN.4/Sub.2/1989/37).

231. The Commission on Human Rights, in its resolution 1990/63, welcomed this study and encouraged the Sub-Commission, including its Working Group, to continue its debate on this study and to elaborate recommendations on this issue at its forty-second session, in 1990.

232. In the same resolution, the Commission on Human Rights invited States parties to the Slavery Convention of 1926, the Supplementary Convention on the Abolition of Slavery, the Slave Trade, and Institutions and Practices Similar to Slavery of 1956 and the Convention for the Suppression of the Traffic in Persons and of the Exploitation of the Prostitution of Others of 1949 to submit to the Sub-Commission regular reports on the situation in their countries; it further invited States which had not ratified the relevant conventions to consider doing so as soon as possible, or to explain in writing why they felt unable to do so, and invited them to consider providing information regarding their national legislation and practices in this field. The Commission also invited intergovernmental organizations, relevant agencies of the United Nations and intergovernmental organizations concerned to continue to supply relevant information to the Working Group.

233. The Economic and Social Council, at its first regular session of 1989, adopted resolution 1989/74, by which it reminded States parties to the relevant Slavery Conventions of their obligation to submit to the Working Group on Contemporary Forms of Slavery regular reports on the situation in their countries, as provided for under the relevant conventions and under Economic and Social Council decision 16 (LVI).

234. In the same resolution, the Council endorsed the request of the Commission, in its resolution 1988/42 of 8 March 1988, to the Secretary-General to report to the Economic and Social Council on the steps taken by Member States, United Nations organizations and other intergovernmental organizations to implement the recommendations in Council resolution 1983/30 of 26 May 1983, and the request of the Commission, in its resolution 1989/35 of 6 March 1989, to the Secretary-General to report on the comments received to the Council at its first regular session in 1990.

235. The Sub-Commission, in its resolution 1989/41, requested, inter alia, the Secretary-General to submit to the Sub-Commission, at its forty-second session, a report on the adoption of children for commercial purposes and on

the recruitment of children into government and non-governmental armed forces and their participation in hostilities, taking into account the comments of Governments and further information received by him.

236. In the same resolution, the Sub-Commission decided to consider these matters in subsequent sessions under the agenda item "Contemporary forms of slavery".

Exploitation of the prostitution of others

237. In its resolution 1989/35, the Commission on Human Rights recalled its request to the Secretary-General to report to the Economic and Social Council on the steps taken by Member States, United Nations agencies and other intergovernmental organizations to implement the recommendations in Council resolution 1983/30 of 26 May 1983 on the suppression of the traffic in persons and of the exploitation of the prostitution of others, and requested the Secretary-General to report on the comments received to the Council at its first regular session in 1990. The Commission invited all Member States to consider the possibility of taking appropriate action for the protection of migrant women against exploitation by prostitution and other slavery-like practices, including the possibility of establishing national bodies to achieve these objectives. It requested Governments to pursue a policy of information, prevention and rehabilitation of women victims of the exploitation of prostitution and to take the appropriate economic and social measures deemed necessary to that effect.

Sale of children, prostitution of children and use of children in pornography

238. The Economic and Social Council, by its resolution 1983/30, requested the Centre for Human Rights to prepare, in liaison with the United Nations agencies and organs concerned and with the competent non-governmental organizations, a study on the sale of children and to submit it as soon as possible to the Sub-Commission. The study on the sale of children was submitted to the Sub-Commission at its thirty-ninth session (E/CN.4/Sub.2/1987/28). At that session, the Sub-Commission, in its resolution 1987/32, requested that the report be put back on the drawing board and, with the help of United Nations agencies and non-governmental organizations, be given deeper and broader accent, introducing matters relating to organ transplant and the foetus trade. At its fortieth session, the Sub-Commission had before it a preliminary report by the Secretary-General on the sale of children (E/CN.4/Sub.2/1988/30).

239. By its resolution 1989/35, the Commission on Human Rights requested the Secretary-General to submit his final report on the sale of children to the Working Group at its fourteenth session, in 1989.

240. At its forty-first session, the Sub-Commission had before it a note by the Secretary-General on the sale of children (E/CN.4/Sub.2/1989/38).

241. Based on the recommendation of the Sub-Commission in its resolution 1989/42, the Commission on Human Rights in its resolution 1990/68 decided to appoint for a period of one year a special rapporteur to consider matters relating to the sale of children, child prostitution and child pornography, including the problem of the adoption of children for commercial purposes. The Special Rapporteur was invited to take account, in fulfilling his mandate,

of the need to be in a position to use any credible and reliable information made available to him, to request the Governments concerned to state their views and comment on any information he intends to include in his report and to carry out his task with discretion and independence. The Special Rapporteur was further requested to submit a comprehensive report to the Commission at its forty-seventh session on his activities relating to these matters, including the frequency and extent of such practices, as well as the Special Rapporteur's conclusions and recommendations.

Programme of action for prevention of sale of children, child prostitution and child pornography

242. By its resolution 1989/43, the Sub-Commission endorsed the draft Programme of Action prepared to this effect by its Working Group on Contemporary Forms of Slavery (E/CN.4/Sub.2/1989/39) and recommended to the Commission on Human Rights that it request the Secretary-General to present to the forty-seventh session of the Commission an analytical summary of replies received from Governments, specialized agencies and other intergovernmental as well as non-governmental organizations on the above-mentioned Programme of Action and decide to examine this Programme of Action at its forty-seventh session.

243. The Commission, by its resolution 1990/67, endorsed the request of the Sub-Commission.

244. At the present session, the Sub-Commission will have before it the following documents:

(a) The report of the Working Group on Contemporary Forms of Slavery on its fifteenth session (E/CN.4/Sub.2/1990/44).

(b) The study by the Secretary-General on the adoption and the recruitment of children into armed forces and their participation in hostilities (E/CN.4/Sub.2/1990/42).

Item 17. Promotion, protection and restoration of human rights, at national, regional and international levels

Sub-item (a) Prevention of discrimination and protection of children: human rights and youth

245. At its thirty-seventh session, on 31 August 1984, the Sub-Commission decided to include in its provisional agenda for the thirty-eighth session a sub-item entitled "Prevention of discrimination and protection of children".

246. The Commission on Human Rights, by its resolution 1989/58, reaffirmed the role of youth in promoting the full and effective enjoyment of the entire range of human rights and fundamental freedoms for all, and also the fact that youth attached crucial importance to the promotion of international peace and co-operation and the enjoyment of human rights and fundamental freedoms. It called upon all States, all governmental and non-governmental organizations, the United Nations organs concerned and the specialized agencies to devote constant attention to the exercise by young people of all human rights, including the right to education and vocational training and the right to work, with a view to ensuring full employment and the solution of the problem

of unemployment among young people. In addition, the Commission called upon all States to take appropriate legislative, administrative and other action for the exercise by youth of all human rights and fundamental freedoms, including the right to education and the right to work, with a view to creating conditions for the active participation of young people in the formation and implementation of programmes for the overall development of their countries.

247. At its thirty-eighth session, the Sub-Commission, by its resolution 1985/12, referring, inter alia, to Commission resolution 1985/13, requested Mr. Dimitru Mazilu to prepare a report on human rights and youth analysing the efforts and measures for securing the implementation and enjoyment by youth of human rights, particularly the right to life, education and work, in order to facilitate the Sub-Commission's discussion of the topic. The Commission, by its resolution 1987/44, took note of the above-mentioned resolution of the Sub-Commission.

248. At its fortieth session, the Sub-Commission adopted resolution 1988/37 in which it recalled, inter alia, its appointment in 1985 of Mr. Dimitru Mazilu, expert from Romania, to prepare a report on human rights and youth, and that his membership in the Sub-Commission had expired before the completion of the study entrusted to him as Special Rapporteur of the Sub-Commission. The Sub-Commission stressed the urgent need to have the report presented to it by Mr. Mazilu as soon as possible and requested the Secretary-General to request the Government of Romania to co-operate fully in the implementation of resolution 1988/37 by ensuring that Mr. Mazilu's report be completed and presented to the Sub-Commission at the earliest possible date.

249. At its forty-first session, the Sub-Commission had before it the report of the Special Rapporteur pursuant to resolution 1985/12 (E/CN.4/Sub.2/1989/41 and Add.1). At the same session, the Sub-Commission adopted resolution 1989/45 on this subject matter. In this resolution, the Sub-Commission, inter alia, decided to request Mr. Mazilu to update his report and to present it to the forty-second session of the Sub-Commission, and also decided to invite the Special Rapporteur to present his updated report in person to the Sub-Commission.

250. The Sub-Commission may also wish to recall that in its resolution 1989/45 it expressed its deep concern at the reports of the personal situation of Mr. Mazilu and his family and requested the Secretary-General to follow closely the personal situation of Mr. Mazilu and his family in order that he inform the Special Rapporteur on the human rights of United Nations staff members, experts and their families accordingly, and requested this Special Rapporteur to report to the Sub-Commission on this matter at its forty-second session.

251. At the present session, the Sub-Commission will have before it the report of the Special Rapporteur on Human Rights and Youth pursuant to resolution 1989/45 (E/CN.4/Sub.2/1990/45).

Sub-item (b) Prevention of discrimination and protection of women

252. At its thirty-seventh session, the Sub-Commission decided to include in its provisional agenda a sub-item on the prevention of discrimination and protection of women.

253. It may be recalled that the Convention on the Elimination of All Forms of Discrimination Against Women entered into force on 3 September 1981.

254. In July 1985, the World Conference to Review and Appraise the Achievement of the United Nations Decade for Women met in Nairobi in conformity with General Assembly resolution 39/139 of 14 December 1984.

255. At its fortieth session, in 1985, the General Assembly took note with satisfaction of the report of the World Conference, endorsed the Nairobi Forward-looking Strategies for the Advancement of Women, and affirmed that the implementation of the Forward-looking Strategies should result in the elimination of all forms of inequality between women and men and in the complete integration of women in the development process.

256. The Sub-Commission at its thirty-ninth session adopted resolution 1987/26, entitled "The role and equal participation of women in development", in which it expressed its belief that it should devote greater attention to prevention of discrimination against women, particularly in relation to development, and in co-ordination with other relevant bodies of the United Nations, and decided to consider, at its forty-first and future sessions, and in connection with the item of its agenda entitled "The new international economic order and the promotion of human rights", a sub-item entitled "The role and equal participation of women in development" (see annotations to item 7 (a)).

257. In that resolution, the Sub-Commission also requested the Secretary-General to make available to it, at each of its future sessions, the reports of the Committee on the Elimination of Discrimination against Women and of the Commission on the Status of Women.

258. In that regard, the attention of the Sub-Commission may be drawn to the following resolutions adopted by the General Assembly at its forty-fourth session: 44/76 Elderly women; 4/77 Implementation of the Nairobi Forward-Looking Strategies for the Advancement of Women; 44/78 Improvement of the situation of women in rural areas; 44/82 International Year of the Family.

Item 18. Protection of minorities

259. The Sub-Commission at its fortieth session adopted resolution 1988/36, entitled "Protection of Minorities", in which it invited Ms. Claire Palley to prepare a working paper on possible ways and means to facilitate the peaceful and constructive resolution of situations involving racial, national, religious and linguistic minorities.

260. At its forty-first session, the Sub-Commission considered the working paper prepared by Ms. Palley (E/CN.4/Sub.2/1989/43). By resolution 1989/44, the Sub-Commission expressed its appreciation to Ms. Palley, decided to entrust Mr. Asbjørn Eide with the preparation of a further report on national experience in the protection of minorities, and decided to consider these issues at its forty-second and future sessions under a separate agenda item. By decision 1990/105, the Commission on Human Rights endorsed the decision of the Sub-Commission to entrust Mr. Eide with the task of preparing a study.

261. It may be noted that the Commission at each session since its thirty-fourth session has established an open-ended working group to consider

the drafting of a declaration on the rights of persons belonging to national, ethnic, religious and linguistic minorities. At the forty-sixth session the Working Group completed the first reading of the draft declaration. The text of the draft declaration, as it now stands, is reproduced in the latest report of the Working Group (E/CN.4/Sub.2/1990/41, annex) which is being made available to the Sub-Commission. By resolution 1990/45, the Commission took note with appreciation of the report of the Working Group, requested the Centre for Human Rights to prepare a technical review of the text of the articles, called for comments from governments, specialized agencies, intergovernmental and non-governmental organizations on the text, and recommended to the Economic and Social Council that the open-ended Working Group be reconvened at the Commission's forty-seventh session.

262. At the present session, the Sub-Commission will have before it the first report of Mr. Eide (E/CN.4/Sub.2/1990/46).

Item 19. The right of everyone to leave any country, including his own, and to return to his country

263. The Sub-Commission, by its resolution 1988/39, decided to consider this matter under a separate item on its agenda at its forty-first session. The Economic and Social Council, by resolution 1788 (LIV) of 18 May 1973, expressed its warm appreciation to the Special Rapporteur, Mr. José D. Ingles, for his Study on Discrimination in Respect of the Right of Everyone to Leave any Country, Including his Own, and to Return to his Country (United Nations publication, Sales No. 64.XIV.2); the Council further decided that the Commission on Human Rights should retain the question on its agenda and consider it at three-year intervals, coinciding with its discussion of the periodic reports on civil and political rights.

264. At its thirty-fifth session, the Sub-Commission, by resolution 1982/23, requested Mr. C.L.C. Mubanga-Chipoya to prepare an analysis of current trends and developments in respect of the right of everyone to leave any country, including his own, and to return to his country, and to have the possibility to enter other countries, without discrimination or hindrance, especially of the right to employment, taking into account the need to avoid the phenomenon of the brain drain from developing countries and the question of recompensing those countries for the loss incurred, and to study in particular the extent of restrictions permissible under article 12, paragraph 3, of the International Covenant on Civil and Political Rights.

265. The Special Rapporteur submitted his final report (E/CN.4/Sub.2/1988/35 and Add.1 and Add.1/Corr.1) to the fortieth session of the Sub-Commission; the report contained, as an annex, a draft declaration on freedom and non-discrimination in respect of the right of everyone to leave any country, including his own, and to return to his country.

266. At its forty-first session, the Sub-Commission, having considered the comments received from Governments, specialized agencies, intergovernmental and non-governmental organizations on the draft declaration (E/CN.4/Sub.2/1989/44 and Add.1-7), adopted resolution 1989/25. By this resolution, the Sub-Commission requested the Secretary-General to prepare an analytical compilation of the comments on the draft declaration received from Governments, specialized agencies, intergovernmental and non-governmental organizations and of the comments made by members of the Sub-Commission; it

also decided to establish, at its forty-second session, a sessional open-ended working group with the view to preparing a revised version of the draft declaration on the subject-matter.

267. The Sub-Commission may wish to recall that the Commission on Human Rights, in resolution 1989/39, inter alia, requested the Sub-Commission to submit to the Commission as soon as possible a draft declaration on the right of everyone to leave any country, including his own, and to return to his country.

268. At the present session, the Sub-Commission will have before it the analytical compilation by the Secretary-General of the comments on the draft declaration (E/CN.4/Sub.2/1990/47), and the report of the sessional open-ended working group (E/CN.4/Sub.2/1990/48).

Item 20. Consideration of the future work of the Sub-Commission and of the draft provisional agenda for the forty-third session of the Sub-Commission

269. The Economic and Social Council, by its resolution 1894 (LVII) of 1 August 1974, requested the Secretary-General to submit at each session of a functional commission or subsidiary body of the Council a draft provisional agenda for its following session, together with an indication, in respect of each agenda item, of the documents to be submitted under that item and the legislative authority for their preparation, with a view to enabling the functional commission or subsidiary body concerned to consider the documents from the point of view of their contribution to the work of the respective bodies.

270. Pursuant to that request, the Secretary-General will submit to the Sub-Commission, towards the end of the forty-second session, a note containing a draft provisional agenda for the forty-third session, together with information concerning the documentation relating thereto (E/CN.4/Sub.2/1990/L.1).

Item 21. Adoption of the report on the forty-second session

271. Under rule 37 of the rules of procedure, the Sub-Commission is to report to the Commission on Human Rights on the work of its session. In this connection, the Sub-Commission may wish to take account of the revised guidelines for the format and contents of the report of functional commissions and standing committees to the Economic and Social Council (E/1979/94) approved by the Council in its resolution 1979/69 of 2 August 1979. This resolution and the revised guidelines are available for consultation in the Secretariat.

ANNEX

Members and Alternates of the Sub-Commission on Prevention of Discrimination and Protection of Minorities

Mr. Awn Shawkat Al-Khasawneh	(Jordan)
*Mr. Waleed M. Sadi	
Mr. Miguel Alfonso Martinez	(Cuba)
*Mr. Julio H. Perez	
Ms. Judith Sefi Attah	(Nigeria)
*Mrs. Christy Ezim Mbonu	
Ms. Mary Concepción Bautista	(Philippines)
*Ms. Haydee B. Yorac	
Mr. Theodoor Cornelis van Boven	(Netherlands)
*Mr. Cornelis Flinterman	
Mr. Stanislav Valentinovich Chernichenko	(Union of Soviet Socialist Republics)
*Mr. Teimuraz O. Ramishvili	
Ms. Erica-Irene A. Daes	(Greece)
*Mr. Alexis Heraclides	
Mr. Leandro Despouy	(Argentina)
*Mr. Juan Carlos Hitters	
Mr. Ion Diaconu	(Romania)
*Mr. Ioan Maxim	
Mr. Asbjørn Eide	(Norway)
Mr. Jan Helgessen	
Mr. El Hadji Guissé	(Senegal)
*Mr. Ndary Toure	
Mr. Ribot Hatano	(Japan)
*Mr. Yozo Yokota	
Mr. Claude Heller	(Mexico)
*Mr. Hector Fix Zamudio	
Mr. Aidid Abdillahi Ilkahanaf	(Somalia)
*Mr. Mohamed Isa Turunji	
Mr. Louis Joinet	(France)
*Mr. Alain Pellet	

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* Alternate

ANNEX (continued)

Mr. Ahmed Khalifa	(Egypt)
Ms. Fatma Zohra Ksentini *Ms. Farida Aiouaze	(Algeria)
Ms. Claire Palley *Mr. John Merills	(United Kingdom of Great Britain and Northern Ireland)
Mr. Rafael Rivas Posada *Mr. Eduardo Suescún Monroy	(Colombia)
Mr. Gilberto Vergre Saboia *Ms. Marília S. Zelner Gonçalves	(Brazil)
Mr. Rajindar Sachar	(India)
Mr. Jin Tian *Mr. Daode Zhan	(China)
Mr. William W. Treat *Mr. John Carey	(United States of America)
Mr. Danilo Türk *Ms. Lidija R. Basta	(Yugoslavia)
Ms. Halima Embarek Warzazi *Mr. Mohamed Laghmari	(Morocco)
Mr. Fisseha Yimer	(Ethiopia)

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* Alternate

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COMMISSION ON HUMAN RIGHTS
Sub-Commission on Prevention
of Discrimination and Protection
of Minorities

Forty-second session
Item 3 of the provisional agenda

REVIEW OF THE WORK OF THE SUB-COMMISSION

List of studies and reports prepared pursuant to Sub-Commission decision 1989/103

Note by the Secretary-General

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INTRODUCTION

1. By its decision 1989/103, the Sub-Commission decided to examine at its forty-second session ways and means of rationalizing proposals for studies and to consider the possiblity of drawing up a medium-term programme that would ensure the participation of the greatest number of members of the Sub-Commission in this programme, and requested the Secretary-General to submit to it at its forty-second session a note listing all the studies which have already been undertaken and the names of those who prepared them. The present note has been prepared pursuant to this request.

2. The Commission on Human Rights, in its resolution 1990/64 of 7 March 1990, noted the steps taken so far by the Sub-Commission to rationalize and streamline its work and recommended that the Sub-Commission should, as a general rule, propose a new study only when a study previously authorized is fully completed. The Commission further reminded the Sub-Commission that new studies or new reports involving financial implications can only be undertaken after authorization by its superior bodies.

3. Taking into account the great number of reports and studies that exists in the social and humanitarian fields, the Secretary-General, when preparing the present document, deemed it necessary to restrict the list to reports and studies on particular human rights issues prepared for, or mandated by the Commission on Human Rights and the Sub-Commission, by the Secretary-General, ad hoc committees established by the Commission or special rapporteurs. The list also contains studies and reports prepared for, or mandated by the General Assembly and the Economic and Social Council, if their subject-matter refers to specific aspects dealt with by human rights bodies. Studies and reports prepared for, or mandated by, other functional commissions of the Economic and Social Council (Commission on the Status of Women, Commission on Social Development, Committee on Crime Prevention and Control) or specialized agencies, are not listed. They may be found in the corresponding parts of "United Nations Action in the Field of Human Rights" (Sales No. E.88.XIV.2). It should further be noted at the outset that the list does not contain studies or reports which review developments in situations of human rights in particular areas and countries. Thus, the list consists of five sections:

A. Studies and reports prepared for the General Assembly;

B. Studies and reports prepared for the Economic and Social Council;

C. Studies and reports prepared for the Commission on Human Rights;

D. Studies and reports prepared for the Sub-Commission;

E. Studies and reports at present under preparation by special rapporteurs or experts of the Sub-Commission.

4. The list provides the title of the study or report, its author, the year(s) when the final version of the study or report was considered by the body concerned and the symbol number under which the document was submitted. If the relevant document was published as a United Nations publication, the Sales Number is also indicated.

LIST OF STUDIES AND REPORTS

A. Studies and reports prepared for the General Assembly

1. Report on respect for human rights in armed conflicts, prepared by the Secretary-General, 1977 (A/32/144 and Add.1).

2. Report on protection of broad sectors of the population against social and material inequalities, as well as other harmful effects which may arrive from the use of scientific and technological developments, prepared by the Secretary-General, 1975 (A/10/146).

B. Studies and reports prepared for the Economic and Social Council

1. Freedom of information, 1953, report submitted by Mr. Salvador P. López, Rapporteur, 1954 (E/2426 and Add.1-5).

2. Report on developments in the field of freedom of information since 1954, prepared by Mr. Hilding Eek (Sweden), consultant appointed by the Secretary-General at the request of the Council, 1961 (E/3443).

3. Concise summary of information on slavery, report prepared by Mr. Hans Engen (Norway), Rapporteur appointed by the Council, 1955 (E/2673 and Add.1-4).

4. The Problem of Protecting Sources of Information of News Personnel, study by the Secretary-General, 1955 (E/2693 and Add.1-3).

5. Legal Aspects of the Rights and Responsibilities of Media of Information, study by the Secretary-General, 1955 (E/2698 and Add.1).

6. Study on Capital Punishment, prepared by Mr. Marc Ancel (France), consultant of the Secretary-General, 1961 (ST/SOA/SD9; Sales No. 1962.IV.2).

7. Report on Slavery, prepared by Mr. Mohammed Awad (Egypt), Special Rapporteur appointed by the Secretary-General, at the request of the Council, 1966 (E/4168/Rev.1; Sales No. 67.XIV.2).

8. Report on the Suppression of the Traffic in Persons and the Exploitation of the Prostitution of Others, prepared by Mr. Jean Fernant-Laurent, Special Rapporteur appointed by the Secretary-General, at the request of the Council, 1983 (E/1983/7).

C. Studies and reports prepared for the Commission on Human Rights

1. Study of the Legal Validity of the Undertakings Concerning Minorities, prepared by the Secretary-General, 1950 (E/CN.4/367 and Add.1 and Corr.1).

2. Activities of the United Nations and of the Specialized Agencies in the field of economic, social and cultural rights, report of the Secretary-General, 1952 (E/CN.4/364/Rev.1; Sales No. 1952.IV.4).

3. Right of Asylum, memorandum by the Secretary-General, 1957 (E/CN.4/738 and Corr.1 and 2).

4. Freedom of information, special report of the Ad hoc Committee on Freedom of Information established by Commission on Human Rights resolution IX (XIII), 1957 (E/CN.4/762 and Corr.1).

5. Study of the Right of Everyone to be Free from Arbitrary Arrest, Detention and Exile, prepared by the Committee on the Right of Everyone to be Free from Arbitrary Arrest, Detention and Exile, consisting of four members of the Commission on Human Rights, elected by the Commission, 1962 (E/CN.4/826/Rev.1; Sales No. 65.XIV.2).

6. Economic and Social Consequences of Racial Discrimination, report of the Executive-Secretary of the Economic Commission for Africa, 1962 (Sales No. E.63.II.K.1).

7. Question of the Applicability of Statutory Limitation to War Crimes and Crimes against Humanity, study of the Secretary-General, 1966 (E/CN.4/906).

8. Capital Punishment: Developments 1961-1965, study prepared by Professor Norval Morris (Australia), consultant appointed by the Secretary-General, 1968 (Sales No. E.67.IV.15, part II).

9. Study of the right of arrested persons to communicate with those whom it is necessary for them to consult in order to ensure their defence or to protect their essential interests, prepared by the Committee on the Right of Everyone to be Free from Arbitrary Arrest, Detention and Exile, 1969 (E/CN.4/996).

10. Study of apartheid and racial discrimination in southern Africa, prepared by Mr. Manouchehr Ganji (Iran), Special Rapporteur, 1968 (E/CN.4/979 and Add.1-8).

11. The Realization of Economic, Social and Cultural Rights: Problems, Policies, Progress, report prepared by Mr. Manouchehr Ganji (Iran), Special Rapporteur, 1974 (E/CN.4/1131; Sales No. 75.XIV.2).

12. Study concerning the question of apartheid from the point of view of international penal law, prepared by the Ad hoc Working Group of Experts on Southern Africa, 1972 (E/CN.4/1075).

13. Study on ways and means of ensuring the implementation of international instruments such as the International Convention on the Suppression and Punishment of the Crime of Apartheid, including the establishment of the international jurisdiction envisaged by the Convention, prepared by the Ad hoc Working Group of Experts on Southern Africa, 1980 (E/CN.4/1426).

14. Report on certain aspects of human rights and technological developments, prepared by the Secretary-General, 1970 (E/CN.4/1028 and Add.1-3).

15. Respect for the privacy of individuals and the integrity and sovereignty of nations in the light of advances in recording and other techniques, report of the Secretary-General, 1974 (E/CN.4/1116 and Add.1-3).

16. Use of electronics which may affect the rights of the person and the limits which should be placed on such use in a democratic society, report of the Secretary-General, 1975 (E/CN.4/1142 and Add.1-2).

17. Protection of the human personality and its physical and intellectual integrity, in the light of advances in biology, medicine and biochemistry, report of the Secretary-General, 1975 (E/CN.4/1172 and Add.1-3).

18. The balance which should be established between scientific and technological progress and the intellectual, spiritual, cultural and moral advancement of humanity, report of the Secretary-General, 1976 (E/CN.4/1199 and Add.1).

19. The human rights implications of the genetic manipulation of microbes, report of the Secretary-General, 1977 (E/CN.4/1236).

20. The impact of scientific and technological developments on economic, social and cultural rights, reports of the Secretary-General submitted in 1972, 1973, 1974 and 1976 (E/CN.4/1084; E/CN.4/1115; E/CN.4/1141 and E/CN.4/1198).

21. The international dimensions of the right to development as a human right in relation with other human rights based on international co-operation including the right to peace, taking into account the requirements of the New International Economic Order and the fundamental human needs, report of the Secretary-General, 1979 (E/CN.4/1334).

22. The regional and national dimensions of the right to development as a human right, study by the Secretary-General, 1981 (E/CN.4/1421 and 1488).

23. Human rights and mass exoduses, study prepared by Mr. Sadruddin Aga Khan, Special Rapporteur, 1982 (E/CN.4/1503).

24. Study on the effects of the policy of apartheid on black women and children, prepared by the Ad hoc Working Group of Experts on Southern Africa, 1982 and 1983 (E/CN.4/1497 and E/CN.4/1983/38).

25. Study on the criminal effects of apartheid, prepared by the Ad hoc Working Group of Experts on Southern Africa, 1987 (E/CN.4/1985/14).

26. Traditional Practices Affecting the Health of Women and Children, report of the Working Group on Traditional Practices Affecting the Health of Women and Children, established by the Commission on Human Rights in 1984 (E/CN.4/1986/42).

D. Studies and reports prepared for the Sub-Commission

1. Report on the Prevention of Discrimination, prepared by the Secretary-General, 1949 (E/CN.4/Sub.2/40).

2. The Main Types and Causes of Discrimination, memorandum of the Secretary-General, 1949 (E/CN.4/Sub.2/40/Rev.1; Sales No. 1949, XIV.3).

3. Definition and Classification of Minorities, memorandum of the Secretary-General, 1949 (E/CN.4/Sub.2/85).

4. Memorandum on the population of the Aaland Islands, prepared by Mr. Eric Einar Ekstrand (Sweden) at the request of the Sub-Commission, 1950 (E/CN.4/Sub.2/101).

5. Memorandum on the German minority in Denmark, prepared by Mr. Eric Einar Ekstrand (Sweden) at the request of the Sub-Commission, 1950 (E/CN.4/Sub.2/102).

6. Prevention of Discrimination and Denial of Fundamental Freedoms in Respect of Political Groups, memorandum of the Secretary-General, 1951 (E/CN.4/Sub.2/129).

7. Preliminary report on the proposed study on discrimination in the matter of religious rights and practices, prepared by Mr. Philip Halperan (United States of America), 1954 (E/CN.4/Sub.2/162).

8. Preliminary study of discrimination in the matter of emigration, immigration and travel, prepared by Mr. José D. Inglés (Philippines), 1955 (E/CN.4/Sub.2/167).

9. Measures for the cessation of national, racial or religious hostility, report by the Secretary-General, 19656 (E/CN.4/Sub.2/172).

10. Study of Discrimination in Education, prepared by Mr. Charles D. Ammoun (Lebanon), Special Rapporteur, 1956 (E/CN.4/Sub.2/181/Rev.1; Sales No. E.57.XIV.3).

11. Study of Discrimination in the Matter of Religious Rights and Practices, prepared by Mr. Arcot Krishnaswami (India), Special Rapporteur, 1959 (E/CN.4/Sub.2/200/Rev.1; Sales No. E.60.XIV.2).

12. Study of Discrimination in the Matter of Political Rights, prepared by Mr. Hernán Santa Cruz (Chile), Special Rapporteur, 1962 and 1973 (E/CN.4/Sub.2/213/Rev.1; Sales No. E.63.XIV.2).

13. Study of Discrimination in Respect of the Right of Everyone to Leave any Country, Including his Own, and to Return to his Country, prepared by Mr. José D. Inglés (Philippines), Special Rapporteur, 1963 (E/CN.4/Sub.2/299/Rev.1, Sales No. E.64.XIV.2).

14. Study of Discrimination Against Persons Born out of Wedlock, prepared by Mr. Vieno Voitto Saario (Finland), Special Rapporteur, 1965 (E/CN.4/Sub.2/265/Rev.1; Sales No. E.68.XIV.3).

15. Study of Equality in the Administration of Justice, prepared by Mr. Mohammed Ahmed Abu Rannat (Sudan), Special Rapporteur, 1969 (E/CN.4/Sub.2/296/Rev.1; Sales No. E.71.XIV.3).

16. Special Study of Racial Discrimination in the Political, Economic and Cultural Spheres, prepared by Mr. Hernán Santa Cruz (Chile), Special Rapporteur, 1970 (E/CN.4/Sub.2/307/Rev.1). The study was published under the title Racial Discrimination in 1971 as a United Nations Publication, Sales No. E.71.XIV.2. A revised and updated version of the study was published in 1976 as a United Nations Publication, Sales No. E.76.XIV.2.

17. Study of the rights of persons belonging to ethnic, religious and linguistic minorities, prepared by Mr. Francesco Capotorti (Italy), Special Rapporteur, 1988 (E/CN.4/Sub.2/384/Rev.1; Sales No. E.78.XIV.1).

18. Study of the question of the prevention and punishment of the crime of genocide, prepared by Mr. Nicodème Ruhashyankiko (Rwanda) Special Rapporteur, 1978 (E/CN.4/Sub.2/416).

19. Study of the exploitation of labour through illicit and clandestine trafficking, prepared by Mrs. Halima Embarek Warzazi (Morocco), Special Rapporteur, 1975 (E/CN.4/Sub.2/L.640; Sales No. E.86.XIV.1).

20. Study of the adverse consequences for the enjoyment of human rights of political, military, economic and other assistance given to the colonialist and racist régimes in southern Africa, prepared by Mr. Ahmed M. Khalifa (Egypt), Special Rapporteur, 1978 (E/CN.4/Sub.2/383/Rev.2; Sales No. E.79/XIV.3). Since then the Special Rapporteur has submitted annual updated reports on the subject.

21. Study of international provisions protecting the human rights of non-citizens, prepared by Baroness Elles (United Kingdom), Special Rapporteur, 1977 (E/CN.4/Sub.2/392/Rev.1; Sales No. 80.XIV.2).

22. Study of the implementation of United Nations resolutions relating to the right of peoples under colonial and alien domination to self-determination, prepared by Mr. Hector Gros Espiell (Uruguay), Special Rapporteur; 1978 (E/CN.4/Sub.2/405/Rev.1; Sales No. E.79.XIV.5).

23. Study on the impact of foreign economic aid and assistance on respect for human rights in Chile, prepared by Mr. Antonio Cassese (Italy), 1978 (E/CN.4/Sub.2/412 (Vol. I-IV)).

24. Study of the individual's duties to the community and the limitations on human rights and freedoms under article 29 of the Universal Declaration of Human Rights: a contribution to the freedom of the individual under law, prepared by Mrs. Erica-Irene A. Daes (Greece), Special Rapporteur, 1980 (E/CN.4/Sub.2/432/Rev.1; Sales No. E.82.XIV.1).

25. Study of the historical and current development of the right to self-determination on the basis of the Charter of the United Nations and other instruments adopted by United Nations organs, with particular reference to the promotion and protection of human rights and fundamental freedoms, prepared by Mr. Aureliu Cristescu (Romania), Special Rapporteur, 1978 (E/CN.4/Sub.2/404; Sales No. E.80.XIV.3).

26. Study of the implications for human rights of recent developments concerning situations known as state of siege or emergency, prepared by Mrs. Nicole Questiaux (France), Special Rapporteur, 1982 (E/CN.4/Sub.2/1982/15).

27. Updating of the Report on Slavery, prepared by Mr. Benjamin Whitaker (United Kingdom), Special Rapporteur (E/CN.4/Sub.2/1982/20/Rev.1; Sales No. 84.XIV.1).

28. Study on discriminatory treatment against members of racial, ethnic, religious or linguistic groups at the various levels in the administration of criminal justice proceedings, such as police, military, administrative and judicial investigations, arrest, detention, trial and execution of sentences, including the ideologies or beliefs which contribute or lead to all forms of racism in the administration of criminal justice, prepared by Mr. Justice Abu Sayeed Chowdhury (Bangladesh), Special Rapporteur, 1982 (E/CN.4/Sub.2/1982/7).

29. Study on the exploitation of child labour, prepared by Mr. A. Bouhdiba (Tunisia), Special Rapporteur, 1981 (E/CN.4/Sub.2/479/Rev.1; Sales No. E.82.XIV.2).

30. Study of the new international economic order and the promotion of human rights, prepared by Mr. Raul Ferrero (Peru), Special Rapporteur, 1983 (E/CN.4/Sub.2/1983/24 and Add.1-2; Sales No. E.85.XIV.6.).

31. Study on guidelines, principles and guarantees for the protection of persons suffering from mental disorder, prepared by Mrs. Erica-Irene A. Daes (Greece), Special Rapporteur, 1983 (E/CN.4/Sub.2/1983/17/Rev.1; Sales No. E.85.XIV.9).

32. Study of the problem of discrimination against indigenous populations, prepared by Mr. José Martinez Cobo (Ecuador), Special Rapporteur, 1981, 1982, 1983 and 1984 (E/CN.4/Sub.2/1986/7 and Add.1-4; Sales No. E.86.XIV.3 (contains only chapter XXI of the final report: conclusions, proposals and recommendations)).

33. Study of the question of conscientious objection to military service, prepared by Mr. Asbjørn Eide (Norway) and Mr. L.C. Mubanga-Chipoya (Zambia), Special Rapporteurs, 1983 (E/CN.4/Sub.2/1983/30).

34. Study on relevant guidelines in the field of computerized personal files, particularly as they affect the privacy of the individual, Mrs. Nicole Questiaux (France), Special Rapporteur, completed by Mr. Louis Joinet (France), 1983 (E/CN.4/Sub.2/1983/18).

35. Revised and updated report on the question of the prevention and punishment of the crime of genocide, prepared by Mr. Benjamin Whitaker (United Kingdom), Special Rapporteur, 1985 (E/CN.4/Sub.2/1985/6 and Corr.1).

36. Draft Body of Principles and Guidelines on the Right and Responsibility of Individuals, Groups and Organs of Society to Promote and Protect Human Rights and Fundamental Freedoms, prepared by Mrs. Erica-Irene A. Daes (Greece), Special Rapporteur, 1985 (E/CN.4/Sub.2/1985/30 and Add.1).

37. Proposal concerning a definition of the term "minority", submitted by Mr. Jules Deschênes (Canada), 1985 (E/CN.4/Sub.2/1985/31 and Corr.1).

38. Study on amnesty laws and their role in the safeguard and promotion of human rights, prepared by Mr. Louis Joinet (France), Special Rapporteur, 1985 (E/CN.4/Sub.2/1985/16).

39. Annual reports and list of States which, since 1 January 1985, have proclaimed, extended or terminated a state of emergency, presented by Mr. Leandro Despouy (Argentina), Special Rapporteur (E/CN.4/Sub.2/1987/19; E/CN.4/Sub.2/1988/18 and Add.1; E/CN.4/Sub.2/1989/30 and Add.1 and Add.2/Rev.1).

40. Analysis concerning the proposition to elaborate a second optional protocol to the International Covenant on Civil and Political Rights aiming at the abolition of the death penalty, prepared by Mr. Marc J. Bossuyt (Belgium), Special Rapporteur, 1987 and 1988 (E/CN.4/Sub.2/1987/20).

41. Report on the right to adequate food as a human right, submitted by Mr. Asbjørn Eide (Norway), Special Rapporteur, 1987 (E/CN.4/Sub.2/1987/23; Sales No. E.89.XIV.2; Studies Series, Human Rights, No. 1).

42. Reports on the mission to Mauritania, prepared by Mr. Marc J. Bossuyt (Belgium), Expert of the Sub-Commission, 1984, 1985 and 1987 (E/CN.4/Sub.2/1984/23, E/CN.4/Sub.2/1985/26 and E/CN.4/Sub.2/1987/27).

43. Current dimensions of the problems of intolerance and of discrimination on grounds of religion or belief, study prepared by Mrs. Elizabeth Odio-Benito (Costa Rica), Special Rapporteur, 1987 (E/CN.4/Sub.2/1987/26; Sales No. E.89.XIV.3; Studies Series, Human Rights, No. 2).

44. International Peace and Security as an Essential Condition for the Enjoyment of Human Rights, Above All the Right to Life, report of the Secretary-General, 1988 (E/CN.4/Sub.2/1988/2).

45. Prevention of the disappearances of children in Argentina, report prepared by Mr. Theo van Boven (Netherlands), 1988 (E/CN.4/Sub.2/1988/19).

46. Study on the independence and impartiality of the judiciary, jurors and assessors and the independence of lawyers, prepared by Mr. L.M. Singhvi (India), Special Rapporteur, 1985 and 1988 (E/CN.4/Sub.2/1985/18 and Add.1-6; E/CN.4/Sub.2/1988/20 and Add.1 and Add.1/Corr.1).

47. Draft guidelines for the regulation of computerized personal data files, prepared by Mr. Louis Joinet (France), Special Rapporteur, 1988 (E/CN.4/Sub.2/1988/22).

48. Study on the legal and social problems of sexual minorities, prepared by Mr. Jean Fernand-Laurent (France) pursuant to Economic and Social Council resolution 1983/30; 1988 (E/CN.4/Sub.2/1988/31).

49. Analysis of current trends and developments in respect of the right of everyone to leave any country, including his own, and to return to his country, and to have the possibility to enter other countries, without discrimination or hindrance, especially of the right to employment, Mr. Mubanga-Chipoya (Zambia), Special Rapporteur, 1988 and 1989 (E/CN.4/Sub.2/1988/35 and Add.1 and Add.1/Corr.1).

50. Respect for the right to life: elimination of chemical weapons, report of the Secretary-General, 1989 (E/CN.4/Sub.2/1989/4).

51. Study on the achievements made and obstacles encountered during the Decades to Combat Racism and Racial Discrimination, prepared by Mr. Asbjørn Eide (Norway), 1989 (E/CN.4/Sub.2/1989/8 and Add.1).

52. Hopi-Navajo Relocation, summary of information submitted by Mrs. Erica-Irene A. Daes (Greece) and Mr. John Carey (United States of America), 1989 (E/CN/4/Sub.2/1989/35 (Part I and Part II; and Add.1)).

53. Study on ways and means for establishing an effective mechanism for the implementation of the Slavery Conventions, prepared by the Secretary-General, 1989 (E/CN.4/Sub.2/1989/37).

54. Status of the individual and contemporary international law, report prepared by Mrs. Erica-Irene A. Daes (Greece), Special Rapporteur, 1989 (E/CN.4/Sub.2/1989/40).

E. Studies and reports now under preparation by special rapporteurs of the Sub-Commission

1. Report on the right to a fair trial, Mr. Stanislaw Chernichenko (USSR) and Mr. William Treat (United States of America).

2. Report on human rights of detained juveniles, Mrs. Mary Bautista (Philippines).

3. Report on administrative detention without charge or trial, Mr. Louis Joinet (France).

4. Human rights and disability, Mr. Leandro Despouy (Argentina).

5. Study on recent developments with regard to traditional practices affecting the health of women and children, Mrs. Halima E. Warzazi (Morocco).

6. Annual updated report and list of banks, transnational corporations and other organizations assisting South Africa, Mr. Ahmed Khalifa (Egypt).

7. Study on the realization of economic, social and cultural rights, Mr. Danilo Türk (Yugoslavia).

8. Annual reports and list of countries which have proclaimed, extended or terminated a state of emergency, Mr. Leandro Despouy (Argentina).

9. Report on violations of human rights of staff members of the United Nations system, Mrs. Mary Bautista (Philippines).

10. Study on treaties, agreements and other constructive agreements concluded between States and indigenous peoples, Mr. Miguel Alfonso Martinez (Cuba).

11. Human rights and youth, Mr. Dimitru Mazilu (Romania).

12. Report on the right to restitution, compensation and rehabilitation for victims of gross violations of human rights, Mr. Theo van Boven (Netherlands).

13. Study on the right to freedom of opinion and expression, Mr. Louis Joinet (France) and Mr. Danilo Türk (Yugoslavia).

14. Study on problems and causes of discrimination against HIV-infected people or people with AIDS, Mr. Luis Varela Quiros (Costa Rica).

15. Study on possible ways and means of facilitating the peaceful solution of problems involving minorities, Mr. Asbjørn Eide (Norway).

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